



THE STATUTES OF THE REPUBLIC OF SINGAPORE

MEDICAL REGISTRATION ACT

(CHAPTER 174)

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Medical Registration Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

MEDICAL COUNCIL

3. Medical Council to continue to exist
4. Constitution of Medical Council
5. Functions of Medical Council
6. Compulsory voting
7. President of Medical Council
8. Disqualifications for membership of Medical Council
9. Filling of vacancies
10. Appointment of executive secretary and other employees
11. Appointment of committees
12. Meetings and quorum of Medical Council

PART III

PRIVILEGES OF MEDICAL PRACTITIONERS

13. Qualifications to practise
14. No remuneration recoverable by unauthorised persons
15. Medical certificates
16. Legally qualified or duly qualified medical practitioner
17. Unauthorised person acting as medical practitioner

PART IV

REGISTRATION OF MEDICAL PRACTITIONERS

18. Registrar of Medical Council
19. Registers

Section

20. Full registration
21. Conditional registration
22. Registration of specialists
23. Temporary registration
24. Provisional registration
25. Registration, other than provisional registration, not to be granted without proof of experience
26. Certificate of experience in approved hospital
27. Experience required for holders of degrees other than Singapore degrees
28. Evidence of qualification and entry of additional qualifications
29. Application for registration
30. Credentials Committee
31. Publication of list of registered medical practitioners with practising certificates
32. Alterations in registers
33. Power of Medical Council to remove names from registers

PART V

SPECIALISTS ACCREDITATION BOARD

34. Establishment of Specialists Accreditation Board
35. Functions of Specialists Accreditation Board

PART VI

PRACTISING CERTIFICATES

36. Practising certificates
37. Cancellation of practising certificates
38. Persons deemed to have practising certificates

PART VII

DISCIPLINARY PROCEEDINGS AND HEALTH COMMITTEE INQUIRIES

39. Appointment of Complaints Panel
40. Complaints against registered medical practitioners
41. Findings of Complaints Committee
42. Disciplinary Committee
43. Disciplinary Committee may appoint legal counsel
44. Reference and transfer of cases to Health Committee
45. Findings of Disciplinary Committee

Section

- 46. Restoration of names to register
- 47. Health Committee
- 48. Unfitness to practise through illness, etc.
- 49. Restoration of names removed on recommendation of Health Committee

PART VIII

GENERAL

- 50. Application of funds of Medical Council
- 51. Assessor to Medical Council
- 52. Fraudulent registration
- 53. Medical practitioner not to practise during suspension from practice
- 54. Medical practitioner to use only qualifications entered in register and approved title, etc.
- 55. Exemption
- 56. Duty of medical practitioner to inform Medical Council of medical practitioners who are unfit to practise
- 57. No action in absence of bad faith
- 58. Regulations
- 59. Amendment of Schedule

PART IX

SAVINGS AND TRANSITIONAL PROVISIONS

- 60. Continuation of Medical Council members
- 61. Persons who are already registered
- 62. Pending disciplinary proceedings
The Schedule — List of Registrable Basic Medical Qualifications

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

[3rd April 1998]

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the Medical Registration Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“degree” means any degree or diploma or any qualification granted by any university or institution legally authorised to grant that degree or diploma or qualification and which degree or diploma or qualification is recognised or approved by the Medical Council;

“Medical Council” means the Medical Council of Singapore established under section 3(1) of the repealed Medical Registration Act (Cap.174, 1985 Ed.), and by virtue of section 3 of this Act means the Singapore Medical Council;

“practising certificate” means a practising certificate granted under section 36;

“President” means the President of the Medical Council;

“provisional registration” means registration by virtue of section 24 and “provisionally registered” shall be construed accordingly;

“registered medical practitioner” means a person registered under this Act and includes a person deemed to be so registered under section 61(1);

“Registrar” means the Registrar of the Medical Council;

“Singapore degree” means a degree, diploma or licence in medicine and surgery of the King Edward VII College of Medicine, Singapore, the University of Malaya in Singapore, the University of Singapore or the National University of Singapore.

PART II

MEDICAL COUNCIL

Medical Council to continue to exist

3. The Medical Council of Singapore shall continue to exist as a body corporate having perpetual succession and a common seal and shall, as from 3rd April 1998, be known as the Singapore Medical Council.

Constitution of Medical Council

4.—(1) The Medical Council shall consist of —

- (a) the Director of Medical Services;
- (b) one medical officer in the public service to be appointed by the Minister;
- (c) 2 registered medical practitioners to be appointed by the Minister on the nomination of the Council of the National University of Singapore, one of whom shall be the Dean of the Faculty of Medicine of that University;
- (d) 8 registered medical practitioners resident in Singapore to be elected by the fully registered medical practitioners resident in Singapore; and
- (e) 5 registered medical practitioners resident in Singapore to be appointed by the Minister.

(2) The members referred to in subsection (1)(b), (c), (d) and (e) shall hold office for a period of 3 years and shall be eligible for reappointment or re-election.

(3) If for any reason the Director of Medical Services is unable to attend a particular meeting of the Medical Council, he may nominate a representative to attend the meeting and when so attending the representative shall be deemed for all purposes to be a member of the Medical Council.

(4) The Minister may, at any time, revoke the appointment of any member appointed under subsection (1)(b), (c) or (e) without assigning any reason.

Functions of Medical Council

5. The functions of the Medical Council are —

- (a) to keep and maintain registers of registered medical practitioners;
- (b) to approve or reject applications for registration under this Act or to approve any such application subject to such restrictions as it may think fit;
- (c) to issue practising certificates to registered medical practitioners;
- (d) to make recommendations to the appropriate authorities on the courses of instructions and examinations leading to the Singapore degree;
- (e) to make recommendations to the appropriate authorities for the training and education of registered medical practitioners;
- (f) to determine and regulate the conduct and ethics of registered medical practitioners; and
- (g) generally to do all such acts and matters and things as are necessary to be carried out under this Act.

Compulsory voting

6.—(1) Every fully registered medical practitioner resident in Singapore who has in force a practising certificate on the day of election of candidates as members of the Medical Council referred to in section 4(1)(d) shall vote for the election of such members at such time and in such manner as may be prescribed.

(2) Every registered medical practitioner who is required to vote for the election of the members of the Medical Council in accordance with subsection (1) and who fails to do so shall not be entitled to apply for a practising certificate unless he —

- (a) satisfies the Registrar that he had a good and sufficient reason for not voting at the election; or

- (b) pays to the Medical Council a penalty prescribed by the Medical Council.

President of Medical Council

7.—(1) The Medical Council shall have a President who shall be elected by the members of the Medical Council from among its members.

(2) The President elected pursuant to subsection (1) shall serve for a term not extending beyond the expiration of the term for which he has been appointed or elected to be a member of the Medical Council and shall be eligible for re-election.

(3) The President shall preside at any meeting of the Medical Council and, in his absence, such member as the members present may elect shall preside at that meeting.

Disqualifications for membership of Medical Council

8. No person shall be a member of the Medical Council —

- (a) if he is not a citizen or a permanent resident of Singapore;
- (b) if he is not a registered medical practitioner with at least 10 years' experience in the practice of medicine;
- (c) if he is an undischarged bankrupt;
- (d) if he has been convicted in Singapore or elsewhere of any offence involving fraud, dishonesty or moral turpitude or implying a defect in character which makes him unfit for his profession;
- (e) if he has been found guilty in Singapore or elsewhere of any improper act or conduct which brings disrepute to his profession;
- (f) if he has been found guilty in Singapore or elsewhere of professional misconduct; or
- (g) if his fitness to practise as a medical practitioner is judged by the Health Committee to be impaired by reason of his physical or mental condition.

Filling of vacancies

9.—(1) The office of a member of the Medical Council shall become vacant if the member —

- (a) dies;
- (b) resigns his office;
- (c) is incapacitated by physical or mental illness;
- (d) becomes subject to any of the disqualifications specified in section 8;
- (e) without any good and sufficient reason, refuses to accept an appointment as a member of any committee appointed under section 11 or of the Credentials Committee or the Health Committee; or
- (f) has his appointment revoked before the expiry of the term for which he has been appointed.

(2) The Medical Council may, with the approval of the Minister, remove from office any member of the Medical Council who is absent without leave of the Medical Council from 3 consecutive ordinary meetings of —

- (a) the Medical Council; or
- (b) any committee appointed under section 11 or of the Credentials Committee or the Health Committee of which he is a member.

(3) Any question as to whether a person has ceased to be a member of the Medical Council shall be determined by the Minister whose decision shall be final.

(4) If any vacancy arises among the elected members, the Medical Council shall, as soon as practicable, take the necessary action for the election of a person to fill the vacancy.

(5) If any vacancy arises among the appointed members, the Minister may appoint a person to fill the vacancy in the manner in which the appointment to the vacant office was made.

(6) Any person appointed or elected to fill the vacancy shall hold office for as long as the member in whose place he was appointed or elected would have held office.

(7) The Medical Council may act notwithstanding any vacancy in the Medical Council and no act done by or by the authority of the Medical Council shall be invalid in consequence of any defect that is afterwards discovered in the appointment or election or qualification of the members or any of them.

Appointment of executive secretary and other employees

10. The Medical Council may appoint an executive secretary and such other employees on such terms and conditions as the Medical Council may determine.

Appointment of committees

11.—(1) The Medical Council may appoint one or more committees for any general or special purpose which in the opinion of the Medical Council may be better dealt with or managed by a committee and the Medical Council may delegate to any committee so appointed, with or without restrictions or conditions as it thinks fit, any of the powers or functions which may be exercised or performed by the Medical Council.

(2) The number and term of office of the members of a committee appointed under this section and the number of those members necessary to form a quorum shall be fixed by the Medical Council.

(3) A committee appointed under this section may include persons who are not members of the Medical Council.

(4) The Medical Council may continue to exercise any power conferred upon it or perform any function under this Act notwithstanding the delegation of such power or function under this section.

Meetings and quorum of Medical Council

12.—(1) The Medical Council shall meet at such times and places as the President or the Registrar may appoint.

(2) At any meeting of the Medical Council, 6 members shall form a quorum.

(3) The chairman at any meeting of the Medical Council shall have an original vote and, in the case of an equality of votes, a casting vote.

(4) There shall be paid to the members of the Medical Council and members of any committee appointed by the Medical Council who are not public officers or full-time members of the academic staff of the National University of Singapore such fees as may, from time to time, be approved by the Minister.

(5) The Medical Council may make rules for the conduct of its business.

PART III

PRIVILEGES OF MEDICAL PRACTITIONERS

Qualifications to practise

13. Subject to section 55, no person shall practise as a medical practitioner or do any act as a medical practitioner unless he is registered under this Act and has a valid practising certificate; and a person who is not so qualified is referred to in this Act as an unauthorised person.

No remuneration recoverable by unauthorised persons

14. Subject to the provisions of this Act, no person shall be entitled to demand, claim, accept, receive or retain or sue for or recover by any means any charge, fee, disbursement, expense or any remuneration for or in connection with any medical or surgical advice, service, attendance or treatment or any operation performed or for any medicine which he has prescribed and supplied unless at the time of rendering such services the person is registered under this Act and has a valid practising certificate.

Medical certificates

15. No certificate or other document required by any written law to be signed by a duly qualified medical practitioner given after the

appointed day shall be valid unless signed by a person who is registered under this Act and has a valid practising certificate.

Legally qualified or duly qualified medical practitioner

16. In any written law, “legally qualified medical practitioner” or “duly qualified medical practitioner” or any expression importing a person recognised by law as a medical practitioner or member of the medical profession shall be construed to mean a person who is registered under this Act and has a valid practising certificate.

Unauthorised person acting as medical practitioner

17.—(1) Any unauthorised person who —

- (a) practises medicine;
- (b) wilfully and falsely pretends to be a duly qualified medical practitioner;
- (c) practises medicine or any branch of medicine, under the style or title of a physician, surgeon, doctor, licentiate in medicine or surgery, bachelor of medicine, or medical practitioner, or under any name, title, addition or description implying that he holds any diploma or degree in medicine or surgery or in any branch of medicine;
- (d) advertises or holds himself out as a medical practitioner; or
- (e) contravenes section 13 or 14,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) It shall be a defence to a prosecution under subsection (1) if the defendant proves that —

- (a) he practised a system of therapeutics according to Malay, Chinese or Indian method; and
- (b) he did not in any way represent himself as a duly qualified or registered medical practitioner.

PART IV

REGISTRATION OF MEDICAL PRACTITIONERS

Registrar of Medical Council

18.—(1) For the purposes of this Act, there shall be a Registrar of the Medical Council.

(2) The Director of Medical Services shall be the Registrar of the Medical Council.

(3) The Minister may appoint a person to act as Registrar during the absence from Singapore or incapacity from illness or otherwise of the Registrar.

Registers

19.—(1) The Registrar shall maintain and keep the following registers:

- (a) a register to be called “The Register of Medical Practitioners” containing —
 - (i) in Part I of the Register, the names of persons registered as fully registered medical practitioners under section 20; and
 - (ii) in Part II of the Register, the names of persons registered as medical practitioners with conditional registration under section 21;
- (b) a register to be called “The Register of Specialists” containing the names of persons registered as specialists under section 22;
- (c) a register to be called “The Register of Temporarily Registered Medical Practitioners” containing the names of persons who are registered temporarily as medical practitioners under section 23; and
- (d) a register to be called “The Register of Provisionally Registered Medical Practitioners” containing the names of persons registered provisionally under section 24.

- (2) Each register shall contain —
- (a) the names and addresses of the persons registered;
 - (b) the dates of the registration of the persons;
 - (c) the qualifications by virtue of which the persons are so registered and the dates they obtained such qualifications; and
 - (d) such other particulars as the Medical Council may determine for that register.
- (3) The Registrar shall be responsible for the maintenance and custody of the registers.
- (4) Every person whose name is entered in any of the registers shall inform the Registrar in writing of any change in his practice address or residential address within 28 days thereof, except that a person who makes a report of a change in his residential address under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with this subsection on the date on which he makes the report.

Full registration

20.—(1) Subject to the provisions of this Act, any person who holds a Singapore degree shall be entitled to be registered as a fully registered medical practitioner in Part I of the Register of Medical Practitioners.

(2) Notwithstanding subsection (1), a person, not being a Singapore degree holder, who holds such qualifications as may be recognised by the Medical Council and satisfies the Medical Council that he has special knowledge and skill and sufficient experience in any particular branch of medicine shall, if the Medical Council thinks fit so to direct, be registered as a fully registered medical practitioner.

Conditional registration

- 21.**—(1) Subject to the provisions of this Act, any person who —
- (a) holds a degree from a university specified in the Schedule or any other degree which is, in the opinion of the Medical

Council, not lower in standing than a degree specified in the Schedule;

- (b) has been selected for employment in Singapore as a medical practitioner in hospitals or other institutions or medical practice approved by the Medical Council; and
- (c) satisfies the Medical Council that he has the knowledge and skill and has acquired the experience which is necessary for practice as a medical practitioner ,

shall, if the Medical Council thinks fit so to direct, be registered as a medical practitioner with conditional registration in Part II of the Register of Medical Practitioners.

(2) The Medical Council may require a person with a degree, other than a degree specified in the Schedule, to undergo and pass an examination conducted or arranged by the Medical Council or by such other person or persons as the Medical Council may appoint to satisfy itself that the degree is not lower in standing than a degree specified in the Schedule.

(3) In this Part, “conditional registration” means registration under this section subject to such conditions as the Medical Council may think fit.

(4) The conditions of a person’s registration imposed under this section shall be specified in the direction by virtue of which he is registered.

(5) Without prejudice to the power of the Medical Council to impose conditions, the direction may specify —

- (a) that the person shall work for a specified period under the supervision of a fully registered medical practitioner approved by the Medical Council; and
- (b) the particular employment or the descriptions of employment for the purposes of which he is registered under this section.

(6) The Medical Council may cancel the conditional registration of a medical practitioner if —

- (a) the medical practitioner fails to comply with or has contravened any of the conditions specified in the direction by virtue of which he is registered; or
- (b) the Medical Council is of the opinion, having regard to the report of the medical practitioner supervising him, if any, that he is unable to perform the duties of a medical practitioner satisfactorily.

(7) A person who is or has been registered with conditional registration may, after the expiration of the period of supervision specified under subsection (5)(a), apply to the Medical Council to be registered as a fully registered medical practitioner and if the Medical Council thinks fit so to direct, having regard to the knowledge and skill shown and the experience acquired by the applicant, he shall be registered under section 20 as a fully registered medical practitioner.

(8) On a medical practitioner with conditional registration becoming registered otherwise than conditionally or on his registration being cancelled pursuant to subsection (6), his name shall be removed from Part II of the Register of Medical Practitioners.

Registration of specialists

22.—(1) Subject to the provisions of this Act, any person who holds such postgraduate degrees or qualifications or has gained such special knowledge of and skill and experience in a particular branch or branches of medicine or who has both such postgraduate degrees or qualifications and experience may apply to the Medical Council to be registered as a specialist in that branch or branches of medicine in the Register of Specialists.

(2) The Medical Council shall not register any person under subsection (1) as a specialist unless the person has obtained a certificate from the Specialists Accreditation Board under section 35.

(3) The Medical Council may, with the approval of the Minister, make regulations for all or any of the following purposes:

- (a) providing for the registration of specialists in any branch of medicine;

- (b) regulating the recording in, removal from, and restoration to the Register of Specialists of the names, particulars and qualifications of persons so registered;
- (c) providing for appeals by medical practitioners against any refusal of the Medical Council to register them in the Register of Specialists or to restore their names to that Register or against any decision of the Medical Council to remove their names from that Register; and
- (d) prescribing the fees payable in respect of —
 - (i) any application for registration as a specialist;
 - (ii) any such registration as a specialist;
 - (iii) any restoration of names to the Register of Specialists; and
 - (iv) any appeal.

Temporary registration

23.—(1) Subject to the provisions of this Act, any person —

- (a) who is in Singapore for the purpose of teaching, research or postgraduate study in medicine under such training scheme as may be approved by the Minister in any institution recognised, from time to time, by the Medical Council for that purpose;
- (b) who possesses medical knowledge, experience and skill which the Medical Council considers to be of international standing or are such as to have special value to the people of Singapore; or
- (c) who is not otherwise entitled to be registered as a medical practitioner under this Act but who, in the opinion of the Medical Council, possesses other qualifications which are adequate for the purposes of registration under this Act,

may be registered temporarily as a medical practitioner in the Register of Temporarily Registered Medical Practitioners for so long as he continues to engage himself exclusively in teaching, research or

postgraduate study in medicine under such approved training scheme or in such medical capacity as the Medical Council may specify.

(2) Any registration under subsection (1) shall be for a period not exceeding 2 years which may be renewed, at the discretion of the Medical Council, for a further period or periods each not exceeding 12 months.

(3) A person may be registered under subsection (1) subject to such conditions and restrictions as the Medical Council may impose.

Provisional registration

24.—(1) This section shall have effect for enabling persons desirous of obtaining certificates under section 26 to be employed as mentioned in subsection (1) of that section.

(2) Any person who, apart from any requirement as to experience, would have the qualifications for registration under this Act may be provisionally registered if he produces evidence satisfactory to the Registrar that he has been selected for such employment as is mentioned in section 26(1).

(3) Any person who is provisionally registered shall be registered in the Register of Provisionally Registered Medical Practitioners and on a person becoming registered otherwise than provisionally his name shall be removed from such register.

Registration, other than provisional registration, not to be granted without proof of experience

25. No person shall become registered, otherwise than by way of provisional registration, unless —

- (a) in the case of a person claiming registration by virtue of a Singapore degree, he has the certificate referred to in section 26; or
- (b) in the case of a person claiming registration by virtue of a degree other than a Singapore degree, he has complied with section 27.

Certificate of experience in approved hospital

26.—(1) A certificate under this section shall not be granted in respect of any person unless he has been engaged in employment as a house officer or in such other similar capacity as may be approved by the Medical Council (referred to in this section as the approved capacity) in one or more hospitals or institutions approved by the Medical Council for a prescribed period.

(2) A person who has been employed as mentioned in subsection (1) may apply for a certificate to the hospital or institution concerned and if that hospital or institution is satisfied —

(a) that during the time the applicant has been so employed he has been engaged for such period or minimum period as may be prescribed in medicine, in surgery and in an approved capacity; and

(b) that his service while so employed has been satisfactory, the hospital or institution shall grant, in such form as may be prescribed, a certificate that it is so satisfied.

Experience required for holders of degrees other than Singapore degrees

27. For the purpose of section 25(b), a person with a degree, other than a Singapore degree, shall satisfy the Medical Council that he has —

(a) the certificate referred to in section 26; or

(b) rendered satisfactory service in any appointment which, in the opinion of the Medical Council, confers experience of the practice of medicine not less extensive than that required for a certificate under section 26.

Evidence of qualification and entry of additional qualifications

28.—(1) No qualification shall be entered on a register unless the Registrar is satisfied by such evidence as he may consider proper that the person claiming the qualification is entitled thereto.

(2) Every person registered under this Act, who obtains any qualification in addition to the qualification by virtue of which he has been registered, may apply to the Medical Council to have that additional qualification inserted in a register.

(3) The Medical Council shall have power to decide what additional qualifications may be entered in a register.

Application for registration

29.—(1) Every application for registration under this Act shall be made to the Medical Council in such manner or form and shall be accompanied by such documents and particulars as the Medical Council may require.

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

(3) The Medical Council may refuse to register any applicant who, in the opinion of the Medical Council —

- (a) is not qualified to be registered;
- (b) is not of good reputation and character; or
- (c) has had his name removed from a register of medical practitioners in any country the degrees or licences in medicine of which are recognised as a qualification entitling the holder thereof to be registered under this Act.

(4) Where the Medical Council refuses to register an applicant, the Medical Council shall by notice in writing inform the applicant of such refusal.

(5) Any person who is aggrieved by any refusal of the Medical Council under subsection (3) may, within one month of the notice given under subsection (4), appeal to the Minister whose decision shall be final.

(6) The Registrar shall enter the name of a registered medical practitioner in the appropriate register.

(7) Every registered medical practitioner shall, on payment of the prescribed fee, be entitled to receive a certificate of registration.

Credentials Committee

30.—(1) There shall be a committee to be known as the Credentials Committee, consisting of not less than 3 members of the Medical Council to be appointed by the Medical Council, to scrutinise all applications for registration other than applications for registration as specialists.

(2) The term of office of the members of the Credentials Committee and the quorum of the Committee shall be determined by the Medical Council.

(3) The Credentials Committee may interview the applicants and make such enquiries or do anything which the Committee may think necessary or expedient for discharging its functions under this Act.

Publication of list of registered medical practitioners with practising certificates

31.—(1) The Registrar shall, from time to time, prepare and publish in the Gazette a list of the names, addresses, qualifications and dates of qualifications of all registered medical practitioners who have in force a practising certificate.

(2) The Medical Council may, if it thinks fit, direct the Registrar to prepare and publish for sale, at such intervals as the Medical Council may direct, publications of the names, addresses, qualifications and dates of qualifications of all medical practitioners who are registered in the registers referred to in section 19(1)(a), (b) and (d) and who have in force a practising certificate.

Alterations in registers

32. The Registrar shall —

- (a) insert in a register any alteration which may come to his knowledge in the name or address of any person registered under this Act;
- (b) insert in a register such alterations in the qualifications, additional qualifications and other particulars in the register as are required to be altered under this Act;
- (c) correct any error in any entry in a register;

- (d) remove from a register the name of any person whose name is ordered to be removed under this Act;
- (e) remove from a register the name of any person who is deceased; and
- (f) remove from a register the name of any person who has not renewed his practising certificate for a continuous period of not less than 5 years and who has no address in Singapore at which he can be found.

Power of Medical Council to remove names from registers

33.—(1) Notwithstanding the provisions of this Act, the Medical Council may, upon such evidence as it may require, order the removal from the appropriate register the name of a registered medical practitioner under any of the following circumstances:

- (a) if he has been registered with conditional registration pursuant to section 21 and has contravened or failed to comply with any condition or restriction imposed by the Medical Council;
- (b) if he has been temporarily registered pursuant to section 23 and has contravened or failed to comply with any condition or restriction imposed by the Medical Council;
- (c) if he has been registered in the Register of Specialists and his name has been removed from the register kept under section 19(1)(a) or has contravened or failed to comply with any condition or restriction imposed by the Medical Council under section 22;
- (d) if he has obtained registration fraudulently or by incorrect statement;
- (e) if his degree for registration under this Act has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
- (f) if he has had his registration in any other country withdrawn, suspended or cancelled by the authority which registered him; or

(g) if he has failed to serve the Government or such other body or organisation as directed by the Government for such period as may be specified in any undertaking given by him to the Government.

(2) The Medical Council shall, before exercising its powers under subsection (1), notify the registered medical practitioner concerned of its intention to take such action and shall give the registered medical practitioner an opportunity to submit reasons why his name should not be removed.

(3) Any person who is aggrieved by any order of the Medical Council under subsection (1) may, within 30 days of being notified of the order, appeal to the Minister whose decision shall be final.

PART V

SPECIALISTS ACCREDITATION BOARD

Establishment of Specialists Accreditation Board

34.—(1) There shall be a board to be known as the Specialists Accreditation Board consisting of not less than 8 registered medical practitioners to be appointed by the Minister.

(2) The chairman of the Board shall be appointed by the Minister from among its members.

(3) The chairman and members of the Board shall be appointed for a term not exceeding 3 years but may from time to time be reappointed and may at any time be removed from office by the Minister.

(4) If any member of the Board dies, resigns or is removed from office, the Minister may fill the vacancy by the appointment of a registered medical practitioner and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(6) At any meeting of the Board, 3 members shall form a quorum.

(7) At any meeting of the Board, the chairman shall preside and in his absence the members present shall elect one of their members to preside at the meeting.

(8) If on any question to be determined by the Board there is an equality of votes, the chairman or the member presiding at the meeting shall have a casting vote.

(9) Subject to the provisions of this Act, the Board may determine its own procedure.

(10) The Board may appoint one or more committees consisting of such members as it thinks fit to assist the Board in carrying out its functions under this Act.

Functions of Specialists Accreditation Board

35.—(1) The functions of the Specialists Accreditation Board shall be —

- (a) to determine the qualifications, experience and other conditions for registration as specialists under this Act;
- (b) to define specialties in medicine for the purposes of maintaining and keeping the Register of Specialists;
- (c) to determine the training programmes to be recognised for persons who intend to qualify for registration as specialists under this Act;
- (d) to grant to persons who have the qualifications for registration as specialists under this Act certificates to that effect;
- (e) to recommend to the Medical Council programmes for the continuing medical education of persons who are registered as specialists under this Act; and
- (f) to advise the Medical Council on matters affecting or connected with the registration of specialists under this Act.

(2) Any person who desires to have a certificate from the Board to certify that he has the qualifications for registration as specialists under this Act may apply to the Board.

(3) Any person who is aggrieved by the refusal of the Board to grant the certificate may, within one month of the notice of the refusal, appeal to the Minister whose decision shall be final.

PART VI

PRACTISING CERTIFICATES

Practising certificates

36.—(1) Any registered medical practitioner who desires to obtain a practising certificate shall make an application to the Medical Council in such form and manner as the Medical Council may require.

(2) Every application for a practising certificate shall be accompanied by the prescribed fee.

(3) A practising certificate shall be granted for a period not exceeding 2 years from the date of issue of the practising certificate.

(4) Any application for renewal of a practising certificate shall be made not later than one month before the expiration of the practising certificate in such form as the Medical Council may require.

(5) Any registered medical practitioner who applies for a practising certificate later than one month before the expiration of the practising certificate shall be liable to pay to the Medical Council such late application fee as may be prescribed by the Medical Council.

Cancellation of practising certificates

37. Where a registered medical practitioner has had his name removed from a register (other than the Register of Specialists) under this Act or his registration suspended, any practising certificate issued to him shall be deemed to be cancelled and the registered medical practitioner shall forthwith surrender the practising certificate to the Medical Council.

Persons deemed to have practising certificates

38. A registered medical practitioner who has, before 3rd April 1998, paid the annual retention fee under the repealed Medical

Registration Act (Cap. 174, 1985 Ed.) shall be deemed to have a valid practising certificate until the expiration of the period for which the annual retention fee has been paid.

PART VII

DISCIPLINARY PROCEEDINGS AND HEALTH COMMITTEE INQUIRIES

Appointment of Complaints Panel

39.—(1) For the purpose of enabling Complaints Committees and to be constituted in accordance with this Part, the Medical Council shall appoint a panel (referred to in this Act as the Complaints Panel) consisting of —

- (a) not less than 3 members of the Medical Council;
- (b) not less than 10 and not more than 40 registered medical practitioners of at least 10 years' standing who are not members of the Medical Council; and
- (c) not less than 6 and not more than 40 lay persons.

(2) A member of the Complaints Panel shall be appointed for a term of 2 years and shall be eligible for reappointment.

(3) The Medical Council may at any time remove from office any member of the Complaints Panel or fill any vacancy in its membership.

(4) The Medical Council shall appoint a member of the Complaints Panel who is a member of the Medical Council to be the Chairman of the Complaints Panel.

Complaints against registered medical practitioners

40.—(1) Any —

- (a) complaint of the conduct of a registered medical practitioner in his professional capacity or of his improper act or conduct which brings disrepute to his profession;

- (b) information on the conviction of a registered medical practitioner of any offence implying a defect in character which makes him unfit for his profession; or
- (c) information touching upon the physical or mental fitness to practise of a registered medical practitioner,

shall be made to the Medical Council which shall refer the complaint or information, other than a complaint or information touching on the matters referred to in section 33, to the Chairman of the Complaints Panel.

(2) Where a registered medical practitioner has been convicted in Singapore or elsewhere of an offence involving fraud or dishonesty or has contravened or failed to comply with section 54 or 56, the Medical Council shall, notwithstanding subsection (1), forthwith refer the matter to a Disciplinary Committee under section 42.

(3) Every complaint or information shall be in writing and shall be supported by such statutory declaration as the Medical Council may require except that no statutory declaration shall be required if the complaint or information is made by any public officer.

(4) The Chairman of the Complaints Panel may from time to time appoint one or more committees comprising —

- (a) a chairman, being a member of the Complaints Panel who is a member of the Medical Council;
- (b) a member of the Complaints Panel who is a member of the Medical Council;
- (c) a member of the Complaints Panel, not being a member of the Medical Council, who is a registered medical practitioner; and
- (d) a member of the Complaints Panel who is a lay person,

to be known for the purposes of this Act as Complaints Committees to inquire into any complaint or information mentioned in subsection (1) .

(5) A Complaints Committee shall be appointed in connection with one or more matters or for a fixed period of time as the Chairman of the Complaints Panel may think fit.

(6) Where any complaint or information mentioned in subsection (1) is referred to the Chairman of the Complaints Panel, the Chairman of the Complaints Panel shall lay the complaint or information before a Complaints Committee.

(7) The Chairman of the Complaints Panel may at any time revoke the appointment of any Complaints Committee or may remove any member of a Complaints Committee or fill any vacancy in a Complaints Committee.

(8) No act done by or under the authority of a Complaints Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

(9) All the members of a Complaints Committee shall be present to constitute a quorum for a meeting of the Complaints Committee and any resolution or decision in writing signed by all the members of a Complaints Committee shall be as valid and effectual as if it had been made or reached at a meeting of the Complaints Committee where all its members were present.

(10) A Complaints Committee may meet for the purposes of its inquiry, adjourn and otherwise regulate the conduct of its inquiry as the members may think fit.

(11) The chairman of a Complaints Committee may at any time summon a meeting of the Complaints Committee.

(12) All members of a Complaints Committee present at any meeting thereof shall vote on any question arising at the meeting and such question shall be determined by a majority of votes and, in the case of an equality of votes, the chairman shall have a casting vote.

(13) A member of a Complaints Committee shall, notwithstanding that he has ceased to be a member of the Complaints Panel on the expiry of his term of office, be deemed to be a member of the Complaints Panel until such time as the Complaints Committee has completed its work.

(14) A Complaints Committee shall inquire into the complaint or information and complete its preliminary inquiry not later than 3 months from the date the complaint or information is laid before it.

(15) Where a Complaints Committee is of the opinion that it will not be able to complete its preliminary inquiry within the period specified in subsection (14) due to the complexity of the matter or serious difficulties encountered by the Complaints Committee in conducting its preliminary inquiry, the Complaints Committee may apply in writing to the Chairman of the Complaints Panel for an extension of time to complete its inquiry and the Chairman may grant such extension of time to the Complaints Committee as he thinks fit.

(16) For the purposes of any inquiry, a Complaints Committee may —

- (a) call upon or appoint any person it considers necessary to assist it in its investigations and deliberations;
- (b) require the production of any book, document, paper or other record which may be related to or be connected with the subject-matter of the inquiry for inspection by the Complaints Committee or the person appointed under paragraph (a) and for making copies thereof; and
- (c) require the registered medical practitioner concerned to give all information in relation to any such book, document, paper or other record which may be reasonably required by the Complaints Committee or by the person so appointed.

(17) Any registered medical practitioner and any other person who without lawful excuse refuse or fail to produce to a Complaints Committee or to any person to whom the Complaints Committee may appoint for the purpose of the inquiry any book, document, paper or other record referred to in subsection (16) or fail to give any such information relating thereto shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

(18) All information, including such book, document, paper or other record used by the Complaints Committee in the course of its deliberations, shall be confidential and shall not be disclosed to any

person including the registered medical practitioner unless the Complaints Committee in its discretion thinks otherwise.

(19) The Complaints Committee may, at any time before it makes its findings, seek such legal advice as it thinks necessary.

(20) Where a Complaints Committee is of the opinion that a registered medical practitioner should be called upon to answer any allegation made against him, the Complaints Committee shall post or deliver to the registered medical practitioner —

- (a) copies of any complaint or information and of any statutory declaration or affidavit that have been made in support of the complaint or information; and
- (b) a notice inviting the registered medical practitioner, within such period (not being less than 21 days) as may be specified in the notice, to give to the Complaints Committee any written explanation he may wish to offer.

(21) The registered medical practitioner concerned shall not have the right to be heard by the Complaints Committee, whether in person or by counsel, unless the Complaints Committee in its absolute discretion otherwise allows.

(22) Any member of the Medical Council who is employed in the Ministry of Health shall not be disqualified from being a member of a Complaints Committee or Disciplinary Committee or the Health Committee by reason only that he or the complainant is so employed.

Findings of Complaints Committee

41.—(1) Upon due inquiry into the complaint or information, a Complaints Committee shall —

- (a) if it is of the view that no formal inquiry is necessary —
 - (i) order that the registered medical practitioner be issued with a letter of advice;
 - (ii) order that the registered medical practitioner be warned;
 - (iii) order that the complaint or matter be dismissed; or

- (iv) make such other order as it thinks fit; or
- (b) if it is of the view that a formal inquiry is necessary —
 - (i) order that an inquiry be held by the Health Committee; or
 - (ii) order that an inquiry be held by a Disciplinary Committee.
- (2) Where a Complaints Committee determines that a formal inquiry is necessary, it shall order that the inquiry be held by the Health Committee if the complainor information touches upon the physical or mental fitness of the registered medical practitioner to practise.
- (3) Where a Complaints Committee has made an order for a formal inquiry to be held by a Disciplinary Committee, the Medical Council shall forthwith appoint a Disciplinary Committee which shall hear and investigate the complaint or matter.
- (4) Where a Complaints Committee has ordered that a letter of advice be issued, the chairman of the Complaints Committee shall issue a letter of advice in such terms as it thinks fit.
- (5) Every Complaints Committee shall notify the registered medical practitioner concerned and the person who has made the complaint or information of the manner in which it has determined the complaint or matter.
- (6) A registered medical practitioner who is aggrieved by any order of a Complaints Committee under subsection (1)(a) may, within 30 days of being notified of the determination of the Complaints Committee, appeal to the Minister whose decision shall be final.
- (7) Where the person who has made the complaint or information to the Medical Council is dissatisfied with any order of a Complaints Committee under subsection (1)(a), he may, within 30 days of being notified of the determination of the Complaints Committee, appeal to the Minister whose decision shall be final.
- (8) The Minister may make —
 - (a) an order affirming the determination of a Complaints Committee;

- (b) an order directing the Medical Council to forthwith appoint a Disciplinary Committee to hear and investigate the complaint or matter or order that an inquiry into such matter be held by the Health Committee; or
- (c) such other order as he thinks fit.

(9) Every Complaints Committee shall forthwith report to the Medical Council its findings and the order or orders made.

Disciplinary Committee

42.—(1) The Medical Council may from time to time appoint one or more committees comprising —

- (a) not less than 3 registered medical practitioners of at least 10 years' standing of whom at least 2 shall be members of the Medical Council; and
- (b) one observer to be chosen by the Medical Council from a panel of lay persons nominated by the Minister,

to be known for the purposes of this Act as Disciplinary Committees to inquire into any matter in respect of which a Complaints Committee has under section 41(1)(b)(ii) ordered that a formal inquiry be held or into any matter referred to it under section 40(2).

(2) A member of a Complaints Committee inquiring into any matter concerning a registered medical practitioner shall not be a member of a Disciplinary Committee inquiring into the same matter.

(3) The observer who is a member of a Disciplinary Committee shall not vote on any question or matter to be decided by the Disciplinary Committee and need not be present at every meeting of the Disciplinary Committee.

(4) A Disciplinary Committee may be appointed in connection with one or more matters or for a fixed period of time as the Medical Council may think fit.

(5) The Medical Council may at any time revoke the appointment of any Disciplinary Committee or may remove any member of a Disciplinary Committee or fill any vacancy in a Disciplinary Committee.

(6) No act done by or under the authority of a Disciplinary Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

(7) Subject to subsection (3), all members of a Disciplinary Committee shall be personally present to constitute a quorum for the transaction of any business.

(8) The Medical Council shall appoint a member of a Disciplinary Committee who is a member of the Medical Council to be the Chairman of the Disciplinary Committee.

(9) Subject to subsection (3), all members of a Disciplinary Committee present at any meeting thereof shall vote on any question arising at the meeting and such question shall be determined by a majority of votes and, in the case of an equality of votes, the Chairman shall have a casting vote.

(10) A Disciplinary Committee shall meet from time to time to inquire into any matter referred to it by the Medical Council and may regulate its own procedure.

(11) A member of a Disciplinary Committee shall, notwithstanding that he has ceased to be a member of the Medical Council on the expiry of his term of office, continue to be a member of the Disciplinary Committee until such time the Disciplinary Committee has completed its work.

(12) The registered medical practitioner may appear in person or be represented by counsel.

(13) A Disciplinary Committee shall not be bound to act in any formal manner and shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other written law relating to evidence but may inform itself on any matter in such manner as it thinks fit.

(14) A Disciplinary Committee may, for the purpose of any proceedings before it, administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and of duces tecum.

(15) The writs referred to in subsection (14) shall be served and may be enforced as if they were writs issued in connection with a civil action in the High Court.

(16) Any person giving evidence before a Disciplinary Committee shall be legally bound to tell the truth.

(17) Witnesses shall have the same privileges and immunities in relation to hearings before a Disciplinary Committee as if they were proceedings in a court of law.

(18) A Disciplinary Committee shall carry out its work expeditiously and may apply to the Medical Council for an extension of time and for directions to be given to the Disciplinary Committee if the Disciplinary Committee fails to make its finding and order within 6 months from the date of its appointment.

(19) When an application for extension of time has been made under subsection (18), the Medical Council may grant an extension of time for such period it thinks fit.

(20) In sections 172, 173, 174, 175, 177, 179, 182 and 228 of the Penal Code (Cap. 224), “public servant” shall be deemed to include a member of a Disciplinary Committee taking part in any investigation under this section, and in sections 193 and 228 of the Penal Code, “judicial proceeding” shall be deemed to include any such investigation.

Disciplinary Committee may appoint legal counsel

43. For the purpose of an inquiry under section 42, a Disciplinary Committee may appoint an advocate and solicitor and pay to the advocate and solicitor, as part of the expenses of the Medical Council, such remuneration as the Medical Council may determine.

Reference and transfer of cases to Health Committee

44.—(1) Where, in the course of inquiring into the case of a registered medical practitioner, it appears to a Disciplinary Committee that his fitness to practise may be impaired by reason of his physical or mental condition, the Disciplinary Committee may refer that question to the Health Committee for determination.

(2) If, on a reference under this section, the Health Committee determines that the fitness of the practitioner to practise is not impaired by reason of his condition, the Health Committee shall certify its opinion to the Disciplinary Committee.

(3) If, on a reference under this section, the Health Committee determines that the fitness of the practitioner to practise is impaired by reason of his condition, the Health Committee shall certify its opinion to the Disciplinary Committee and shall proceed to dispose of the case and the Disciplinary Committee shall cease to exercise its function in relation to the case.

Findings of Disciplinary Committee

45.—(1) Where a registered medical practitioner is found or judged by a Disciplinary Committee —

- (a) to have been convicted in Singapore or elsewhere of any offence involving fraud or dishonesty;
- (b) to have been convicted in Singapore or elsewhere of any offence implying a defect in character which makes him unfit for his profession;
- (c) to have been guilty of such improper act or conduct which, in the opinion of the Disciplinary Committee, brings disrepute to his profession;
- (d) to have been guilty of professional misconduct; or
- (e) to have contravened or failed to comply with section 54 or 56,

the Disciplinary Committee may exercise one or more of the powers referred to in subsection (2).

(2) The powers referred to in subsection (1) are as follows:

- (a) by order direct the Registrar to remove the name of the registered medical practitioner from the registers;
- (b) by order suspend the registered medical practitioner from practice for a period of not less than 3 months and not more than 3 years;

- (c) by order impose such conditions as are necessary to restrict the practice of the registered medical practitioner in such manner as the Disciplinary Committee thinks fit for a period not exceeding 3 years;
- (d) by order impose on the registered medical practitioner a penalty not exceeding \$10,000;
- (e) by writing censure the registered medical practitioner;
- (f) by order require the registered medical practitioner to give such undertaking as the Disciplinary Committee thinks fit to abstain in future from the conduct complained of; and
- (g) make such other order as the Disciplinary Committee thinks fit.

(3) In any proceedings instituted under this Part against a registered medical practitioner consequent upon his conviction for a criminal offence, a Disciplinary Committee and the High Court on appeal from any order of the Disciplinary Committee shall accept his conviction as final and conclusive.

(4) A Disciplinary Committee may under subsection (2) order the registered medical practitioner concerned to pay to the Medical Council such sums as it thinks fit in respect of costs and expenses of and incidental to any proceedings before the Disciplinary Committee, and the High Court shall have jurisdiction to tax such costs and any such order for costs made shall be enforceable as if it were ordered in connection with a civil action in the High Court.

(5) The Disciplinary Committee in ordering that costs be paid by the registered medical practitioner under this section may certify that costs for more than one solicitor be paid if it is satisfied that the issues involved in the proceedings are of sufficient complexity, and the certification by the Disciplinary Committee shall have the same effect as if it were a certification by a Judge in a civil action in the High Court.

(6) The costs and expenses referred to in subsection (4) shall include —

- (a) the costs and expenses of any assessor and advocate and solicitor appointed by the Medical Council for proceedings before the Disciplinary Committee ;
- (b) such reasonable expenses as the Medical Council may pay to witnesses; and
- (c) such reasonable expenses as are necessary for the conduct of proceedings before the Disciplinary Committee.

(7) Where a registered medical practitioner, in respect of whom an order is made under subsection (2)(c) by a Disciplinary Committee, is judged by that Disciplinary Committee or another Disciplinary Committee appointed in its place to have failed to comply with any of the requirements imposed on him as conditions of his registration, the Disciplinary Committee may, if it thinks fit, order —

- (a) that his name be removed from the register; or
- (b) that his registration in the register be suspended for such period not exceeding 12 months as may be specified in the order.

(8) Where a Disciplinary Committee has made an order for suspension under subsection (2)(b) or (7)(b), the Disciplinary Committee may order that the registration of the person whose registration is suspended shall, as from the expiry of the current period of suspension, be restricted in such manner as it thinks fit for a period not exceeding 3 years.

(9) Where a Disciplinary Committee has made an order under subsection (2)(c), the Disciplinary Committee or another Disciplinary Committee appointed in its place may revoke the order or revoke or vary any of the conditions imposed by the order.

(10) Subsection (7) shall apply to a registered medical practitioner whose registration is subject to conditions imposed by an order made pursuant to subsection (8) as it applies to a registered medical practitioner whose registration is subject to conditions imposed by an order for restricted registration made pursuant to subsection (2)(c), and subsection (9) shall apply accordingly.

(11) Where a Disciplinary Committee has made an order or has varied the conditions imposed by an order under this section, the Registrar shall forthwith serve on the person to whom the order applies a notice of the order or the variation.

(12) Any person who is aggrieved by any order referred to in subsection (11) may, within 30 days after the service on him of the notice of the order, appeal to the High Court against the order; and any such appeal shall be heard by 3 Judges of the High Court and from the decision of that Court there shall be no appeal.

(13) In any appeal to the High Court against an order referred to in subsection (11), the High Court shall accept as final and conclusive any finding of the Disciplinary Committee relating to any issue of medical ethics or standards of professional conduct unless such finding is in the opinion of the High Court unsafe, unreasonable or contrary to the evidence.

(14) Subject to subsection (15), an order made by a Disciplinary Committee for the removal of any name or for suspension of registration under subsection (2) or (7) shall not take effect until the expiration of 30 days after the order is made.

(15) On making an order for the removal of any name or for suspension of registration under subsection (2) or (7), a Disciplinary Committee, if satisfied that to do so is necessary for the protection of members of the public or would be in the best interests of the registered medical practitioner concerned, may order that his registration in the register be suspended or that his name be removed from the register forthwith.

(16) Where an order under subsection (15) is made, the Registrar shall forthwith serve a notice of the order on the person to whom it applies and if that person was present or represented at the proceedings of the Disciplinary Committee, the order shall take effect from the time the order is made.

(17) Where the person concerned is neither present nor represented at the proceedings of the Disciplinary Committee, the order made under subsection (15) shall take effect from the time of service of the notice of the order on him.

(18) An order of a Disciplinary Committee, other than an order for the removal of any name or for suspension of registration under subsection (2) or (7), shall take effect from the time the order is made.

(19) Notwithstanding anything in this section, where a registered medical practitioner has appealed to the High Court against an order of a Disciplinary Committee under subsection (12), the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or is withdrawn.

(20) While any order of suspension of registration remains in force, the person concerned shall not be regarded as being registered notwithstanding that his name still appears in the register, but forthwith on the expiry of such order his rights and privileges as a registered medical practitioner shall be revived as from the date of such expiry provided that the medical practitioner has complied with all the terms of the order.

(21) Where a registered medical practitioner is not found or judged by a Disciplinary Committee to have been convicted or guilty of any matter referred to in subsection (1), the Disciplinary Committee shall dismiss the complaint or matter.

Restoration of names to register

46.—(1) Where the name of a medical practitioner has been removed from a register pursuant to an order made by a Disciplinary Committee under section 45, the Medical Council may, upon application by the medical practitioner, if it thinks fit, direct his name to be restored to the register.

(2) No application for the restoration of a name to a register under this section shall be made to the Medical Council —

(a) before the expiration of 3 years from the date of the removal; or

(b) more than once in any period of 12 months by or on behalf of the medical practitioner,

and unless the medical practitioner has complied with all the terms of the order made against him.

Health Committee

47.—(1) There shall be a committee to be known as the Health Committee comprising not less than 3 members of the Medical Council to be appointed by the Medical Council which shall inquire into any case referred to it under this Act.

(2) A member of the Health Committee shall be appointed for a period of 2 years and shall be eligible for reappointment.

Unfitness to practise through illness, etc.

48.—(1) Where the fitness to practise of a registered medical practitioner is judged by the Health Committee to be impaired by reason of his physical or mental condition, the Health Committee may exercise one or more of the following powers:

- (a) order that he pays to the Medical Council costs and expenses of and incidental to any inquiry or hearing by the Health Committee;
- (b) order that his registration in the appropriate register be suspended for such period not exceeding 12 months as may be specified in the order;
- (c) order that his registration be conditional on his compliance, during such period not exceeding 3 years as may be specified in the order, with such requirements so specified as the Health Committee thinks fit to impose for the protection of members of the public or in his interests (referred to in this Part as restricted registration); and
- (d) recommend to the Medical Council that the name of the registered medical practitioner be removed from the appropriate register.

(2) Where the Medical Council accepts the recommendation of the Health Committee under subsection (1)(d), the Medical Council shall by order direct that the name of the registered medical practitioner be removed from the appropriate register and that order shall take effect from the date the order is made.

(3) Where a registered medical practitioner in respect of whom an order for restricted registration is made under subsection (1)(c) by the

Health Committee is judged by the Health Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration, the Health Committee may, if it thinks fit, order that his registration in the appropriate register be suspended for such period not exceeding 12 months as may be specified in the order.

(4) Where the Health Committee has made an order for suspension under subsection (1) or (3), the Health Committee may order that the registration of the person whose registration is suspended shall, as from the expiry of the current period of suspension, be a restricted registration.

(5) Where the Health Committee has made an order for restricted registration, the Health Committee may revoke the order or revoke or vary any of the conditions imposed by the order.

(6) Subsection (3) shall apply to a registered medical practitioner whose registration is subject to conditions imposed by an order for restricted registration made pursuant to subsection (4) as it applies to a registered medical practitioner whose registration is subject to conditions imposed by an order for restricted registration made pursuant to subsection (1)(c), and subsection (5) shall apply accordingly.

(7) Where the Health Committee has made an order under this section for suspension or for restricted registration, including an order for extending a period of suspension or a period of restricted registration, or has varied the conditions imposed by a direction for restricted registration, the Registrar shall forthwith serve on the person to whom the order applies a notice of the order or of the variation.

(8) While a person's registration in the register is suspended by virtue of this section, he shall be treated as not being registered in the register notwithstanding that his name still appears in it.

(9) Section 42(6) to (20) shall apply, with the necessary modifications, to the Health Committee and references to a Disciplinary Committee shall be read as references to the Health Committee.

(10) Any person who is aggrieved by an order or any variation of the conditions imposed by an order for restricted registration made by the Health Committee under this section may, within 21 days of the service on him of the notification of the order, appeal to the Minister whose decision shall be final.

(11) Any order or any variation of the conditions imposed by an order for restricted registration made by the Health Committee shall take effect from the time the order or variation is made unless the Minister decides otherwise.

Restoration of names removed on recommendation of Health Committee

49. Where the name of a person has been removed from a register on the recommendation of the Health Committee under section 48(2), the Medical Council may, upon application by the person, if it thinks fit, direct that his name be restored to the register.

PART VIII

GENERAL

Application of funds of Medical Council

50.—(1) All fees, penalties and other moneys payable under this Act or any regulations made thereunder shall be paid to the Medical Council and any fee, penalty or other moneys not paid may be recoverable by the Medical Council as a debt due to the Medical Council.

(2) All moneys received by the Medical Council or the Registrar shall be paid into the funds of the Medical Council.

(3) The costs and expenses of and incidental to the performance of the functions of the Medical Council, the Complaints Committees, the Disciplinary Committees, the Health Committee and any other committee appointed by the Medical Council under this Act shall be paid by the Medical Council out of its funds.

(4) The Minister may pay into the funds of the Medical Council such sum of money out of moneys to be provided by Parliament as the Minister may determine.

(5) The Medical Council shall keep full and proper accounts of all moneys received and expended by it and the accounts shall be audited by an auditor or auditors approved by the Minister.

Assessor to Medical Council

51.—(1) For the purposes of advising the Medical Council, the Complaints Committees, the Disciplinary Committees and the Health Committee in proceedings before any of them under the provisions of this Act, the Medical Council may appoint an assessor to the Medical Council who shall be an advocate and solicitor of not less than 10 years' standing.

(2) Any assessor appointed under this section shall not participate or sit in any deliberations of the Medical Council, the Complaints Committees, the Disciplinary Committees and the Health Committee unless invited to do so, and his participation shall be limited only to questions of law arising from the proceedings.

(3) The Medical Council may pay to persons appointed to act as assessors such remuneration, to be paid as part of the expenses of the Medical Council, as the Medical Council may determine.

Fraudulent registration

52. Any person who —

- (a) procures or attempts to procure registration or a certificate of registration as a medical practitioner or a practising certificate under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise;
- (b) wilfully makes or causes to be made any false entry in any register maintained under this Act;

- (c) forges or alters any certificate of registration as a medical practitioner or any practising certificate issued under this Act;
- (d) fraudulently or dishonestly uses as genuine any certificate of registration as a medical practitioner or any practising certificate which he knows or has reason to believe is forged or altered; or
- (e) buys, sells or fraudulently obtains a certificate of registration as a medical practitioner or any practising certificate issued under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Medical practitioner not to practise during suspension from practice

53.—(1) No registered medical practitioner who is suspended from practice shall practise medicine or act as a medical practitioner during his suspension.

(2) Any registered medical practitioner who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Medical practitioner to use only qualifications entered in register and approved title, etc.

54.—(1) No registered medical practitioner shall —

- (a) use or exhibit or publish in any card, letter, stationery, nameplate, signboard, placard, circular, handbill or any notice displayed at the premises used by him for the practice of medicine any qualification other than the qualifications which are entered in any register kept under this Act or which has been approved by the Medical Council; or

(b) use any title, addition or designation other than the title, addition or designation which has been approved by the Medical Council.

(2) Any registered medical practitioner who contravenes subsection (1) may be subject to disciplinary proceedings under this Act.

Exemption

55. All ships' surgeons while in discharge of their duties relating to the treatment of cabin crew and passengers on board shall be exempted from registration and from compliance with section 13 relating to practising certificate and shall be entitled to all the privileges of registered medical practitioners under this Act.

Duty of medical practitioner to inform Medical Council of medical practitioners who are unfit to practise

56.—(1) A registered medical practitioner who treats or attends to another registered medical practitioner who is, in the opinion of the medical practitioner treating or attending to him, unfit to practise as a medical practitioner by reason of his mental or physical condition shall inform the Medical Council accordingly.

(2) Any registered medical practitioner who fails to comply with subsection (1) may be subject to disciplinary proceedings under this Act.

No action in absence of bad faith

57. No action or proceedings shall lie against the Medical Council, a Complaints Committee, a Disciplinary Committee, the Health Committee or any other committee appointed by the Medical Council or any member or employee thereof for any act or thing done under this Act unless it is proved to the court that the act or thing was done in bad faith or with malice.

Regulations

58.—(1) Subject to the provisions of this Act, the Medical Council may, with the approval of the Minister, make such regulations as may

be necessary or expedient to give effect to the provisions and purposes of this Act and for the due administration thereof.

(2) Without prejudice to the generality of subsection (1), the Medical Council may, with the approval of the Minister, make regulations —

- (a) prescribing the time, place and procedure for the election of members of the Medical Council;
- (b) regulating the grant of practising certificates;
- (c) regulating the registration of medical practitioners;
- (d) prescribing the procedure of any committee appointed by the Medical Council under this Act and the conduct of any proceedings by such committee;
- (e) regulating the professional practice, etiquette, conduct and discipline of registered medical practitioners;
- (f) prescribing the forms necessary for the administration of this Act;
- (g) regulating the removal and restoration of names in any register kept under this Act;
- (h) prescribing the duties and functions of the assessor to the Medical Council;
- (i) prescribing the fees including, in the case of a practising certificate under this Act, a late application fee for late applications and other charges for the purposes of this Act;
- (j) prescribing the penalties for failure to comply with the provisions of this Act; and
- (k) generally providing for such other matters as may be necessary or expedient for carrying out the provisions of this Act.

(3) Regulations made under this Act may make different provision for different classes of persons and different circumstances.

Amendment of Schedule

59. The Minister may, after consultation with the Medical Council, by order amend the Schedule.

PART IX**SAVINGS AND TRANSITIONAL PROVISIONS****Continuation of Medical Council members**

60. Any person who holds office as a member of the Medical Council immediately before 3rd April 1998 shall continue to be a member subject to the same terms and conditions which were in force immediately before that date.

Persons who are already registered

61.—(1) Every person who is registered under the provisions of the repealed Medical Registration Act (referred to in this Part as the repealed Act) immediately before 3rd April 1998 shall upon that date be deemed to be a registered medical practitioner under the provisions of this Act.

(2) The Registrar shall —

- (a) transfer to Part I of the Register of Medical Practitioners the names, addresses, qualifications and any other particulars of all medical practitioners registered pursuant to section 9(1)(a) of the repealed Act which appear, immediately before 3rd April 1998, in the register kept under that Act;
- (b) transfer to Part II of the Register of Medical Practitioners the names, addresses, qualifications and any other particulars of all medical practitioners registered pursuant to section 9(1)(b) and (c) of the repealed Act which appear, immediately before 3rd April 1998, in the register kept under that Act;
- (c) transfer to the Register of Provisionally Registered Medical Practitioners the names, addresses, qualifications and any other particulars of all persons

provisionally registered pursuant to section 13 of the repealed Act which appear, immediately before 3rd April 1998, in the Register of Provisional Medical Registration kept under that Act; and

- (d) transfer to the Register of Temporarily Registered Medical Practitioners the names, addresses, qualifications and any other particulars of persons registered for a limited period pursuant to section 9(3) of the repealed Act which appear, immediately before 3rd April 1998, in the register kept under that Act.

(3) In transferring the names under subsection (2), the Registrar may omit the names of any person known to the Registrar to be deceased.

(4) Section 46 shall also apply to any person whose name was removed from or struck-off the register kept under the repealed Act.

Pending disciplinary proceedings

62.—(1) This Act shall not apply to any inquiry, investigation or other proceedings of a disciplinary nature commenced before 3rd April 1998 and the repealed Act shall continue to apply to that inquiry, investigation or proceedings as if this Act had not been enacted.

(2) Where on 3rd April 1998 any matter is in the course of being investigated by the Preliminary Proceedings Committee, the Preliminary Proceedings Committee shall continue to exist to complete the investigation and may make such order, ruling or direction as it could have made under the powers conferred upon it by the repealed Act.

(3) Any order, ruling or direction made or given by the Medical Council pursuant to the repealed Act shall be treated as an order, a ruling or a direction under this Act and shall have the same force and effect as if it had been made or given by the Medical Council pursuant to the powers vested in the Medical Council under this Act.

(4) Nothing in this section shall be taken as prejudicing section 16 of the Interpretation Act (Cap.1).

THE SCHEDULE

Sections 21 and 59

LIST OF REGISTRABLE BASIC MEDICAL QUALIFICATIONS

Country	Body Granting Qualifications	Primary Qualifications*
Australia	University of Melbourne	MBBS
	University of Sydney	MBBS
Canada	McGill University	MDCM
	University of Toronto	MD
United Kingdom	University of Cambridge	MBBChir
	University of Edinburgh	MBChB
	University of Glasgow	MBChB
	University of London —	
	Charing Cross & Westminster Medical School	MBBS
	King's College School of Medicine & Dentistry	MBBS
	The London Hospital Medical College	MBBS
	Royal Free Hospital School of Medicine	MBBS
	St. Bartholomew's Hospital Medical College	MBBS
	St. George's Hospital Medical College	MBBS
	St. Mary's Hospital Medical School	MBBS
United States of America	United Medical and Dental Schools of Guy's & St. Thomas's Hospitals	MBBS
	University College London Medical School	MBBS
	University of Oxford	BMBCh
	University of California at San Francisco	MD

THE SCHEDULE — *continued*

Columbia University	MD
Cornell University	MD
Duke University	MD
Harvard University	MD
Johns Hopkins University	MD
University of Michigan	MD
University of Pennsylvania	MD
Stanford University	MD
Washington University (Missouri)	MD
Yale University	MD

LEGISLATIVE HISTORY
MEDICAL REGISTRATION ACT
(CHAPTER 174)

This Legislative History is provided for the convenience of users of the Medical Registration Act. It is not part of this Act.

1. Act 5 of 1997 — Medical Registration Act 1997

Date of First Reading : 2 June 1997
(Bill No. 2/97 published on
3 June 1997)

Date of Second and Third Readings : 25 August 1997

Date of commencement : 3 April 1998

2. 1998 Revised Edition — Medical Registration Act

Date of operation : 30 May 1998