

## **Chapter 224**

### **MEDICAL ACT**

An act to make new provision for the practice of medicine and surgery; and for related purposes.

#### **Part I**

##### **Preliminary**

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

2. (1) In this Act, unless the context otherwise requires-

“license” means a license issued by the Council under section II; and grammatical variations shall be construed accordingly; and

“fully licensed medical practitioner” means a person who is the holder of a license issued under paragraph (a) of subsection (1) of that section;

“Government” means the Government of The Bahamas;

“Minister” means the Minister responsible for Medical and Health Services;

“Register” means the Medical Register provided for in section 8;

“to register” means to enter the name of someone in the Register.

(2) Unless the context otherwise requires, references in this Act to a section are references to a section of this Act and references in a section to a subsection are references to a subsection of that section.

(3) A person shall be deemed to practice medicine within the meaning of this Act who, for a pecuniary or other valuable consideration, diagnoses, treats, heals, cures or relieves or attempts or holds himself out as being able to diagnose, treat, heal, cure or relieve persons suffering from pain, injury, deformity or disease, whether of mind or body, by the administration of drugs or any other substance whatever possessing, or alleged by the person administering or applying it to possess, whether inherently or as administered or applied by such person, any curative efficacy.

(4) A person shall be deemed to practice surgery within the meaning of this Act, who for pecuniary or other valuable consideration, attempts to perform or holds himself out as being able to perform surgical operations, or to treat fractures, dislocations or bodily derangements or disorders by means of instruments, appliances or medicines, or by any form of manual application.

#### **Part II**

The Bahamas Medical Council

3. (1) There shall be a body to be called the Bahamas Medical Council (hereafter in this Act referred to as “the Council”) to perform the functions assigned to the Council by or under this Act.  
  
(2) The Council shall by that name be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property of whatever kind.  
  
(3) The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Council and otherwise in relation thereto.
4. The Council may with the approval of the Minister appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Registrar and a Secretary and such other officers, servant and agents as it thinks necessary for the proper carrying out of the provisions of this Act:  
  
Provided that no salary in excess of five thousand dollars per annum shall be assigned to any post without prior approval of the Minister.
5. The funds of the Council shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Council.
6. The Council shall keep proper accounts of its receipts, payments, assets and liabilities, and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.
7. (1) The Council shall in each year prepare and submit to the Minister on or before the thirty-first day of March, a report of its proceedings during the twelve months ending on the first day of December in the preceding year, including a statement of its accounts audited in accordance with section 6.  
  
(2) The Council shall, on the first day of August in each year or such earlier date as may be required by the Minister, submit to the Minister for approval its estimates of revenue and expenditure in respect of the twelve month period commencing on the first day of January next following.

### **Part III**

#### Registration and Licensing

8. (1) The Council shall cause the Registrar to keep in such form as it may from time to time determine a register, to be known as “the Medical Register”, hereafter in this Act referred to as “the Register”, which shall be divided into sections adapted to contain the prescribed particulars of the several categories of persons that may be registered under this Act and there shall be entered therein in respect of each such person-
  - (a) his full name and address;
  - (b) the date of his registration;

- (c) a description and date of the qualifications in respect of which he is registered; and
- (d) such other particulars as the Council may determine.

(2) The Register shall be open to inspection by any member of the public at all reasonable times.

(3) It shall be the duty of the Registrar to make the necessary alterations in the addresses, qualifications or other particulars relating to registered persons and to remove from the Register the name of any registered person who is deceased or no longer qualified to practice medicine or surgery in the Bahamas.

9. (1) Subject to the provisions of this Act, any person who satisfies the Council-

- (a) that he can read, write, speak and understand the English Language;
- (b) that he is qualified to be registered; and
- (c) that he is a fit and proper person to practice medicine in The Bahamas,

shall be entitled to be registered in the relevant section of the Register, subject to such restrictions or conditions, if any, as the Council may think fit to impose, and subject to the payment of the prescribed fee.

(2) For the purposes of subsection (1), a person is qualified to be registered as a medical practitioner who holds any medical diploma, degree, fellowship, membership, license, certificate or other status or form of recognition granted by a university, college or body empowered to confer authority to practice medicine by the law of the country where it is granted and which in the opinion of the Council is evidence of satisfactory medical training.

(3) For the purposes of subsection (2), a medical qualification mentioned therein which the holder has obtained from the University of the West Indies or from a medical school in the United Kingdom, shall be deemed to be evidence of satisfactory medical training.

(4) Every person wishing to be registered shall make application thereof in writing to the Council, enclosing with his application for the registration for the document conferring or evidencing his qualification for registration and such other particulars as may be prescribed or as may be required by the Council in any particular case.

(5) An application made under this section by a person who is not either-

- (a) a public officer; or
- (b) a citizen of The Bahamas,

shall not be granted without the concurrence of the Minister responsible for Immigration.

10. Every person registered under this Act who obtains a medical qualification approved by the Council as higher than or additional to that in respect of which he is registered shall be entitled to have such higher or additional qualifications

inserted by the Registrar in the Register in substitution for or in addition to, as the case may be, the qualification in respect of which he is registered.

11. (1) Every person registered under section 9 shall upon payment of the prescribed fee, be entitled to have issued to him by the Council-

- (a) where his is registered without any restriction or condition, a license as a fully licensed medical practitioner;
- (b) in any other case, a license of kind appropriate to the extent to which, and the conditions, if any, subject to which, he is registered authorizing him to practice medicine or surgery or both to the extent specified in the license,

and every person holding such a license shall display his license in a prominent position in his place of practice.

(2) Licenses that may be granted under this section shall be in such form and of such kinds as may be prescribed and different fees may be prescribed in respect of different kinds of licenses.

12. (1) Every license issued under section II shall take effect on the date specified in the license as the date on which it is to take effect and shall expire on the 31<sup>st</sup> day of December in the year in which it was issued.

(2) Every such license shall be renewed annually upon the application of the holder thereof and the payment of the prescribed fee.

(3) The annual renewal license fee is payable not later than the 31<sup>st</sup> day of January in each year.

(4) A person required to pay the annual license fee under this section who fails to pay that fee within the time specified in subsection (3) shall, in respect of his license for that year, pay in addition to that fee, a sum equal thereto.

(5) A person who fails to comply with subsection (3) and whose license expires on the 31<sup>st</sup> day of December of the immediately preceding year shall not be considered to be unlicensed for the purposes of section 14 during the period commencing with that date and ending on the 31<sup>st</sup> day of January of the succeeding year.

(6) Where a license has been lost, destroyed or mutilated it may be replaced by the Council by the issue of a copy thereof upon the application of the holder of the license and on the payment of the prescribed fee.

(7) The Council shall cause to be published in the Gazette in each year as soon as may be-

- (a) after the 31<sup>st</sup> day of January, a list containing the name of every person licensed on such 31<sup>st</sup> day of January; and

- (b) after the 1<sup>st</sup> day of July, a list containing the name of every person licensed between the 31<sup>st</sup> day of January and such 1<sup>st</sup> day of July, both dates being inclusive.

13. Notwithstanding the provisions of section 9, the Registrar may-

- (a) temporarily register for a period not exceeding six months on payment of the prescribed fee, the name of any person who-
  - i. applies to the Council for temporary registration
  - ii. satisfies the Council that he is temporarily in The Bahamas; and
  - iii. is in the opinion of the Council qualified for registration under section 9;
- (b) provisionally register the name of any person who satisfies the Council that he is employed as an intern in a hospital in The Bahamas, for the period of the internship.
- (c) specially register for a period not exceeding three years the name of any person who satisfies the Council-
  - (i) that he is qualified to practice medicine in any country and that he is doing special work in the field of public health or research and is sponsored in such work by the University of the West Indies, the World Health Organisation, or such other organization or body as the Minister approves after consultation with the Council;
  - or
  - (ii) that he is employed in a medical capacity on a full time basis in the public service;
- (d) specially register for a period not exceeding seven days any person required to give necessary medical aid in cases of emergency who satisfies the Chief Medical Officer that he possesses qualifications which would entitle him to be registered under section 9.

14. (1) Subject to subsection 94), any person who-

- (a) whether or not registered under this Act, does any act or thing amounting to the practice of medicine or surgery when there is not in force at the time in relation to him a valid license issued to him by the Council authorizing his doing that act or thing shall be guilty to an offense;
- (b) not being licensed under this Act, practices, or holds himself out as practicing or being prepared to practice medicine or surgery shall be guilty of an offense;
- (c) willfully and falsely pretends to be or takes or uses the name or the title of doctor of medicine, surgeon or medical practitioner or any name, title, addition or description implying that he is registered shall be guilty of an offense.

(2) Without prejudice to the provisions of subsection (1) any person who uses, in connection with any business carried on by him, on any premises at which a business is carried on by him, any description implying that he (or any person acting for the purposes of the business) is registered or licensed or possesses any medical or surgical qualifications which he does not in fact possess shall be guilty of an offense.

(3) Any person guilty of an offense under this section shall be liable on summary conviction to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding twelve months.

(4) The provisions of subsection (1) shall not apply to the practice of medicine or surgery by any person temporarily, provisionally or specially registered under section 13, who under the authority thereof, performs or provides any service which he is authorized or entitled to perform.

(5) Where an offense under subsection (2) by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offense and shall be liable to be proceeded against and punished accordingly.

(6) No prosecution for an offense under this section shall be brought except by or with the consent of the Attorney-General.

#### **Part IV** **Discipline**

15. (1) For the purpose of this Part of this Act it shall be improper conduct if a person registered under this Act-

- (a) for the purpose of procuring his registration makes a statement which is false in a material particular; or
- (b) in any institution, being a person engaged within or about that institution, in that practice of medicine or surgery, and acting in concert with any other person so engaged, refuses without reasonable excuse to render treatment to any patient needing treatment; or
- (c) is otherwise guilty of negligence or incompetence in the performance of his functions as a medical practitioner or of serious professional misconduct.

(2) For the purposes of paragraph (c) of subsection (1) "serious professional misconduct" includes any act or thing done by a person registered under this Act that is contrary to the generally recognized duty and responsibility of such a person to his patient or that is contrary to medical ethics, or the failure to do any act or thing with respect to a patient in accordance with generally recognized medical ethics, and without limiting the generality of the foregoing includes-

- (a) improper conduct or association with a patient;
- (b) any form of advertising, canvassing or promotion either directly or indirectly for the purpose of obtaining patients or promoting his own professional advantage;
- (c) willful or deliberate betrayal of a professional confidence;
- (d) abandonment of a patient in danger without sufficient cause and without allowing the patient sufficient opportunity to retain the services of another medical practitioner;
- (e) knowingly giving a certificate with respect to birth, death, state of health, vaccination or disinfection or with respect to any matter relating to life, health or accidents which the medical practitioner knows or ought to know is untrue, misleading or otherwise improper;
- (f) the division with any person who is not a partner or assistant of any fees or profits resulting from consultations or other medical or surgical procedures without the patient's knowledge or consent;
- (g) the abuse of intoxicating liquor or drugs;
- (h) the impersonation of another medical practitioner;
- (i) association with unqualified or unregistered persons whereby such persons are enabled to practice medicine;
- (j) the holding out directly or indirectly by a medical practitioner to the public that he is a specialist or is specially qualified in any particular branch of medicine unless he has taken a special course in that branch and such special qualification has been registered in accordance with the provisions of this Act;
- (k) any willful or negligent misrepresentation as to the curative efficacy possessed by a drug or any other substance, whether inherently or by administration or application thereof;
- (l) knowingly practicing medicine or treating a patient other than in a case of emergency while suffering from a mental or physical condition or while under the influence of alcohol or drugs to such an extent as to constitute a danger to the public or a patient;
- (m) the doing of or failure to do any act or thing in connection with his professional practice, which is in the opinion of the Council unprofessional or discreditable; and
- (n) conviction of an indictable offense.

(3) For the purposes of paragraph (c) of subsection (2) any disclosure of confidential information by a person registered under this Act pertaining to any patient shall not be deemed willful or deliberate where such disclosure is required by any law for the treatment of that patient or for the protection of others against serious injury.

16. (1) A complaint that a person registered under this Act has been guilty of improper conduct may be made to the Council in writing by any person and shall bear the date of the complaint and the signature of the complainant, but subject to this, shall be in no particular form.

(2) Where the Council is of the opinion that any complaint so made might, if established, call for the exercise by a disciplinary committee of any of the disciplinary powers conferred by section 18, the Council shall cause the complaint

to be investigated in such manner as may be prescribed and shall if necessary appoint a disciplinary committee to hear and determine the complaint.

17. (1) A disciplinary committee appointed under subsection (2) of section 16 shall consist of a Justice of the Supreme Court (who shall be recommended by the Chief Justice and shall be the chairman of the committee) and of two members of the Council.

(2) The committee shall hear complaints referred to it by the Council in such manner as may be prescribed.

18. (1) On the hearing of a complaint a disciplinary committee may either dismiss the complaint or make such order may in particular provide for any or all of the following matters, that is to say-

- (a) removal of the name from the Register;
- (b) suspension of registration for a period not exceeding one year;
- (c) payment of a penalty (to be forfeited to the Crown) not exceeding one thousand dollars;
- (d) payment, by any party to the proceedings, of costs or of such sum as the committee towards the cost incurred in connection with those proceedings.

(2) Any payment ordered to be made by any person under paragraph (c) or (d) of subsection (1) may be enforced in the case of a person registered under this Act, by the Council in a summary manner striking him off the Register or suspending him, from practice for a period not exceeding one year and, in any other case, as a judgement debt owed to the Council.

19. (1) Every order made by a disciplinary committee under section 18 shall be prefaced by a statement of their findings on the facts of the case and shall be signed by the chairman of the committee.

(2) Every such order shall take effect when filed with the Registrar, and shall so be filed-

- (a) where no appeal under section 23 is brought against the order within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is determined by the upholding of the order, and not otherwise.

(3) The Registrar shall cause a note of the effect of every order filed with him pursuant to subsection 92) to be entered into the Register against the name of the person to whom the order relates and, except in the case of an order making

provision only for costs, shall forthwith upon the filing of the order cause a notice stating the effect of the order to be published in the Gazette.

20. (1) On making an order for removal or an order for suspension in respect of any person, the 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 that person, may order that his registration in the Register shall be suspended forthwith in accordance with this section.

(2) Notwithstanding subsection (1) if in the opinion of the disciplinary committee it is inexpedient or dangerous or not in the public interest that a person who is registered under this Act should continue to practice medicine or surgery pending an inquiry into charges of improper conduct against him, the disciplinary committee may suspend the registration of such person pending the outcome of such inquiry.

(3) Where an order under subsection (1) is made in respect of a person, his registration in the Register shall be suspended (that is to say, shall not have effect) from the time when the order is made until the time when the relevant order takes effect in accordance with subsection (2) of section 19 or an appeal against it under section 23 is (in whatever manner) determined.

(4) The Supreme Court may terminate any suspension of a person's registration in the Register which has effect by virtue of subsections (2) and (3), and the decision of the Court on any application under this subsection shall be final.

(5) In this section "order for removal" means an order under subsection (1) of section 18 for the removal of a person's name from the Register, and "order for suspension" means an order under that subsection for the suspension of a person's registration in the Register.

21. (1) The Registrar shall remove the name of any registered person from the Register-

- (a) upon the application of that person, or
- (b) upon the taking effect of an order to that effect of a disciplinary committee under section 18 in relation to that person.

Provided that, where a complaint has been made against any person under subsection (1) of section 16, his name shall not be removed under paragraph (a) of this subsection until the complaint, or any appeal in relation thereto, has been finally disposed of under this Act.

(2) Where the name of any person has been removed from the Register or his registration has been suspended, any license issued to him under section II shall cease to have effect for as long as his name remains off the Register or, as the case may be, such suspension continues in force.

(3) Where the name of any person has been removed from the Register, the Council may, in writing, require such person to return to the Registrar his license and such person shall comply with that requirement

22. (1) The Council may at any time, upon application being made by any person whose name has been removed from the Register or whose registration has been suspended, determine, if it thinks fit, that such person's name shall be restored to the Register or, as the case may be, that his suspension shall cease with effect from such date as the Council may appoint, and shall forthwith give notice of any such determination to the Registrar.

(2) On receipt of notice of a determination made by the Council under subsection (1) in relation to any person, the Registrar shall forthwith cause the name of that person to be restored to the Register, or as the case may be, cause a note of the cessation of the suspension to be entered therein, and in either such case shall cause notice of the determination of the Council to be published in the Gazette.

23. (1) Any person aggrieved-

- (a) by the failure or refusal of the Council to register him under this Act; or
- (b) by an order made by a disciplinary committee under section 18 in relation to a complaint made by or against him,

may appeal in respect thereof to the Court of Appeal, and in relation to every such appeal section 10 of the Court of Appeal Act shall apply *mutatis mutandis* as if the matter in respect of which the appeal is brought were a judgment or order of the Supreme Court.

(2) No further appeal shall lie from the decision of the Court of Appeal on an appeal under this section.

## **Part V** Miscellaneous

24. Nothing in this Act shall extend or be construed to extend to prejudice or in any way affect-

- (a) the practice by any person of any profession or occupation under and in accordance with any enactment authorising such practice; or
- (b) the practice, pursuant to and in accordance with any agreement with the Government, of medicine or surgery by any member of Her Majesty's armed forces or of the armed forces of any foreign power, being practice restricted to the treatment of members of such forces or their families and households.

25. Notwithstanding anything in this Act contained the Government may, if it thinks fit, employ any person in the public service in a medical capacity if in the opinion of the Chief Medical Officer such person possesses qualifications which would entitle him to be registered under section 9, and the Council shall register such person accordingly.

26. Subject to section 24, no person shall be entitled to recover in any court of law any charge for any medical or surgical advice or attendance or for the performance of any operation or for any medicine which he has both prescribed and supplied, unless he proves that at the time in question-

- (a) he had a valid license issued to him by the Council authorizing him to do the act or thing for which the charge was made;
- (b) he was temporarily registered under paragraph (a) of section 13; or
- (c) he was specially registered under paragraph (d) of section 13.

27. The Minister may, after consultation with the Council, make regulations-

- (a) prescribing fees for the registration and licensing of persons under this Act;
- (b) governing the disciplining of persons registered under this Act;
- (c) prescribing any other matter or thing authorized or required by this Act to be prescribed.

28. Nothing in this Act contained shall prevent-

- (a) any person from giving necessary medical aid in cases of urgent need without hire, gain or hope of reward; or
- (b) the domestic administration of home remedies and treatment.

29. In any enactment, rule or instrument (being an instrument having effect pursuant to a statutory power) passed, made or issued whether before or after the commencement of this Act-

- (a) the expression “legally qualified medical practitioner” or “duly qualified medical practitioner” or “registered medical practitioner” or any expression importing a person recognised by law as a medical practitioner or a member of the medical profession shall be construed to mean a fully licensed medical practitioner or a medical practitioner registered under section 13, as the case may be; and
- (b) every such expression, and the expression “fully licensed medical practitioner” shall, unless a contrary intention appears, include a person holding a license under paragraph (b) of subsection (1) of section 11, where the only restriction or condition in his license is a restriction or condition restricting him in the practice of medicine or surgery:

Provided that nothing in this paragraph shall authorise any person to do any act or thing in contravention of any such restriction or condition.

### **SCHEDULE (Section 3)**

1. (1) The Council shall consist of seven members, of whom-
  - (a) one shall be the Chief Medical Officer ex officio;
  - (b) two (of whom at least one shall be a fully licensed medical practitioner) shall be appointed by the Minister acting in his discretion;
  - (c) two shall be appointed by the Minister acting in accordance with the advice of the Association; and
  - (d) two shall be appointed by the Minister acting with the concurrence of the Association.

(2) A medical practitioner shall not be appointed under head (b) or (c) or (d) of subparagraph (1) of this paragraph unless he has had at least three years actual, continuous experience of the practice of medicine within The Bahamas.

(3) In the exercise of his powers of appointment under this paragraph and in paragraph 5 of this Schedule the expression "Association means Medical Association designated in writing by the Minister for the purposes of those paragraphs.
2. (1) A member of the Council other than the Chief Medical Officer shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years, and shall be eligible for reappointment.

(2) Notwithstanding subparagraph (1) of this paragraph no member other than the Chief Medical Officer shall hold office for more than six consecutive years.
3. The Minister shall appoint one of the members of the Council to be the Chairman thereof.
4. (1) Any member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Council.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

5. The Minister may at any time revoke the appointment of any member of the Council:

Provided that, before revoking the appointment of any member who was appointed under head (c) or (d) of subparagraph (1) of paragraph 1 of this Schedule, the Minister shall consult the Association about the revocation.

6. (1) If any vacancy occurs in the membership of the Council, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

(2) If the Minister is satisfied that the Chairman or any other member of the Council is unable to act, the Minister shall appoint any person to act in place of that member:

Provided that a person appointed under this subparagraph to act in place of a nominated member shall himself have been nominated as provided in head (b) of subparagraph (1) of paragraph 1 of this Schedule.

7. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the Gazette.

8. (1) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the chairman or any other member of the Council and the Registrar.

(2) The seal of the Council shall be authenticated by the signatures of the chairman and any other member authorised to act in that behalf and the Registrar, and shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hands of the chairman or any other member authorised to act in that behalf and the Registrar.

(4) The Council may sue and be sued in its corporate name and may for all purposes be described by such name.

9. (1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine.
- (2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days as the Council may determine.
- (3) The chairman shall preside at all meetings of the Council at which he is present and, in the case of the chairman's absence from any meeting, the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.
- (4) A quorum of the Council shall be four.
- (5) The decisions of the Council shall be by a majority of votes, and, in addition to an original vote, the chairman or other persons presiding at a meeting shall have a casting vote in any case in which voting is equal.
- (6) Minutes in proper form of each meeting of the Council shall be kept.
- (7) Subject to the provisions of this Schedule the Council may regulate its own proceedings.
10. No decision or act of the Council at the time the decision was taken or the act was done or authorised,
- If the decision was taken or the act was done or authorised by a majority vote of the persons who at the time were entitled to act as members.
11. (1) The Council may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Council may determine.
- (2) The constitution of each committee shall be determined by the Council.
12. (1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.
- (2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph the Council shall be

liable to the extent that it would be if the member was a servant or agent of the Council.

**The Subsidiary Legislation of the Bahamas  
Chapter 224 Medical**

Medical Regulations  
(Section 27)

1. These Regulations may be cited as the Medical Regulations.
2. In these Regulations, unless the context otherwise requires, “the Act” means the Medical Act.
3. The fees payable to the Council in accordance with the provisions of the Act shall be the fees prescribed in the First Schedule to these Regulations.
4. A license issued by the Council under section 11 of the Act and a renewed license so issued under section 12 of the Act shall be in accordance with the Form in the Second Schedule to these Regulations.
5. It is the duty of the Council to ensure that proper standards of professional conduct in the practice of medicine and proper standards of general fitness to practice medicine by persons registered under this Act are maintained.
6. (1) Where a complaint is made to the Council under section 16 of the Act the Council may appoint a committee to be known as the complaints committee.  
  
(2) The complaints committee shall consist of three members of the Council one of whom shall be elected as chairman.  
  
(3) If a vacancy occurs in the complaints committee, or if any member is unable to attend, the Chairman of the Council may designate another member of the council to fill the vacancy or replace the absent member, as the case may be.  
  
(4) When a complaint has been referred to the Council under section 16 of the Act the complaints committee shall make such preliminary investigations into the matter as the Chairman of the complaints committee deems advisable and shall as soon as practicable advise the disciplinary committee of its findings.  
  
(5) The Registrar of the Council shall notify the person against whom the complaint is made of the nature of the complain and

call upon him to state in writing not less than fourteen days before a specified day (which day shall allow a reasonable interval for the purpose) any explanation or representation he may wish to make in respect of the complaint.

7. (1) The complaints committee having regard to any explanation or representation made by the person against whom the complaint is made may-

a. determine that the complaint is not established and that no inquiry need be held; or

b. refer the matter in whole or in part to the disciplinary committee.

(2) If the complaints committee determines that no inquiry shall be held, the Secretary to the Council shall inform the complainant, if any, and the person against whom the complaint is made of the fact in such manner as the complaints committee may direct.

8. (1) The disciplinary committee shall hear all complaints referred to it by the complaints committee and in the conduct of the hearing of any complaint shall ensure-

(a) that adequate notice of the proceedings is given to the person complained against;

(b) that the complaint against him is specified in the form of a charge in such notice;

(c) that any party to the proceedings may, if he so requires, be heard by the committee either in person or by a counsel and attorney.

(2) Except with the consent of the person complained against the date for hearing shall not be fixed for a date earlier than twenty-eight days after the notice has been served on him.

(3) The notice of hearing shall be served personally or by prepaid registered post at the address shown on the Medical Register or at his last known address if that address differs from that on the Medical Register.

(4) In any case where there is a complainant, a copy of the notice of hearing shall be sent to the complainant.

(5) The person complained against shall be entitled to receive free copies of or be allowed access to any documentary evidence relied on for the purpose of the hearing and he shall also be given upon request a copy of the evidence (including copies of documents tendered in evidence) after the hearing is completed.

(6) The person complained against shall have the right to be represented by counsel and attorney in any disciplinary proceedings instituted against him.

(7) If the person complained against does not appear at the date fixed for the hearing of the case the disciplinary committee may, if it is satisfied that a notice of hearing has been served on the person, proceed with the hearing.

(8) If witnesses are called by the disciplinary committee the person complained against shall be given an opportunity of putting questions to the witnesses on his behalf.

(9) No documentary evidence shall be used against the person complained against unless he has previously been supplied with copies thereof or given access thereto and he shall be permitted to give evidence, call witnesses and make submissions orally or in writing on his behalf.

(10) The disciplinary committee may call additional witnesses and may adjourn the proceedings to another convenient time or place.

(11) If having heard the evidence in support of the charges the disciplinary committee is of the opinion that the evidence is insufficient, it may dismiss the charges without calling upon the person complained against for his defence.

(12) If, at the conclusion of the hearing the disciplinary committee is of the opinion that the person complained against is not guilty of improper conduct under section 15 of the Act it shall dismiss the complaint but if the person complained against is found guilty of any such conduct, the disciplinary committee shall proceed to deal with the matter in accordance with the Act.

### **First Schedule (Regulation 3)**

#### **FEES**

For registration under section 9 of the Act.....\$100.00

For temporary registration under section 13(a) of the Act.....\$75.00

For a licence issued under section 11 of the Act.....\$200.00

For renewal of a licence under section 12(2) of the Act.....\$200.00

For a copy of a licence lost, destroyed or mutilated.....\$35.00

Penalty for failure to pay for renewal of licence  
under section 12(2) of the Act within the time specified.....\$200.00

### **Second Schedule (Regulation 4)**

#### **Form of Licence**

THE COMMONWEALTH OF THE BAHAMAS  
THE MEDICAL ACT  
THE MEDICAL REGULATIONS  
LICENCE TO PRACTICE



This is to certify that.....  
Who was registered in the MEDICAL REGISTER  
On..... 20..... Registration No.....  
Is hereby authorized to engage in the practice of...  
.....  
at .....  
for the period ending .....20 .....

Given under the Seal of  
the Council  
this.....day of..... 20....

SEAL

.....

CHAIRMAN

.....

REGISTER