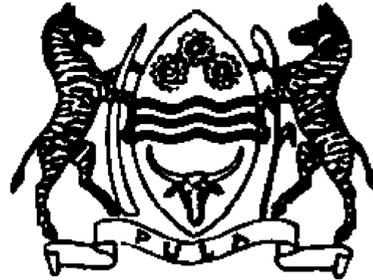


**MEDICAL, DENTAL AND PHARMACY (AMENDMENT)
ACT, 1987**

No. 26



of 1987

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 3 of Cap. 61:02
3. Substitution of section 4 of the principal Act
4. Substitution of section 6 of the principal Act
5. Substitution of section 7 of the principal Act
6. Amendment of sections 8, 10, 12, 13 and 14 of the principal Act
7. Deletion of section 15 of the principal Act
8. Amendment of section 19 of the principal Act
9. Amendment of section 21 of the principal Act
10. Substitution of Schedule B of the principal Act
11. Addition of a new Schedule D to the principal Act

An Act to amend the Medical, Dental and Pharmacy Act

Date of Assent: 24. 12. 87.

Date of Commencement: 31. 12. 87.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Medical, Dental and Pharmacy (Amendment) Act, 1987.

2. Section 3 of the Medical, Dental and Pharmacy Act (hereinafter referred to as "the principal Act") is hereby amended by —

- (a) the deletion therefrom of the words "oculist or" wherever they appear; and
- (b) the interpolation after the word "optician" appearing therein of the words "or as a member of any of the occupations or professions set out in Schedule D".

Amendment
of
section 3
of
Cap. 61:02

Substitution
of
section 4
of the
principal
Act

3. Section 4 of the principal Act is hereby substituted by the following new section —

“4. (1) There shall be a Registrar of Medical Services appointed by the Minister, who shall maintain the following registers in which shall be entered the names of licensed practitioners of the various professions and occupations set out —

- (a) a Register of Doctors, Dentists and Pharmacists;
- (b) a Register of Supplementary Medical Professions as set out in Schedule D; and
- (c) a Register of Associated Medical Professions as set out in Schedule D;

(2) No person shall, except as hereinafter set out, be entered on a register unless —

- (a) he is in possession of such diplomas or certificates as may be from time to time prescribed as enabling a person to be registered as a practitioner of that particular profession or occupation;
- (b) his application for registration has been approved by the Minister.

(3) Notwithstanding the provisions of subsection (2) the Minister may enter a person in a register who is in possession of a diploma or certificates other than prescribed diplomas or certificates where he is satisfied in all the circumstances of the case that the person is qualified to practise the profession or occupation concerned.

(4) The Minister may refuse his approval of any application for registration without stating his reasons therefor.”

4. Section 6 of the principal Act is hereby substituted by the following new section —

“6. (1) Every applicant who is qualified as prescribed by **this Act and whose application is approved by the Minister** shall be entered in the register as a medical practitioner, intern, dentist, chemist, optician or a member of any of the occupations or professions set out in Schedule D, as the case may be, and shall receive a *certificate of registration* in the form set out in Schedule B in respect of which a fee shall be levied by means of a revenue stamp of that value affixed to the certificate of registration.

(2) The holder of a certificate of registration who fails to practise in accordance with the conditions imposed by this Act or by any regulations made thereunder may, on the written advice of the Director, have his name removed from the Register by order of the Minister.

(3) A holder of a certificate of registration may, upon application to the Registrar and upon payment of the

Substitution
of
section 6
of the
principal
Act

prescribed fee be issued a certificate of good standing in the form set out in Schedule B.

(4) No registration fee shall be levied from a medical practitioner, intern, dentist, chemist, optician or member of any of the occupations or professions set out in Schedule D who is on the 31st day of December, 1987, registered to practise in Botswana, but such persons shall be required to pay the annual fees.

(5) The fees payable upon registration by any medical practitioner, intern, dentist, chemist optician or a member of any of the occupations or professions set out in Schedule D shall be the fees prescribed.

(6) An annual fee, at a rate to be prescribed by the Minister, shall be payable by every registered medical practitioner, intern, dentist, chemist optician or member of the occupations or professions set out in Schedule D, and a failure to do so would be sufficient cause for the removal of his name from the Register by order of the Minister.

(7) The Minister may by regulations —

- (a) add to or remove from Schedule D any occupation or profession which he considers should be so added or removed;
- (b) prescribe the fees payable by medical practitioners, interns, dentists, chemists, opticians, or members of the occupations or professions set out in Schedule D.”

5. Section 7 of the principal Act is hereby substituted by the following new section —

“7. (1) There shall be a Council known as the Botswana Medical Council (hereinafter referred to as “the Council”) which shall consist of —

- (a) the Director of Health Services, who shall be the Chairman;
- (b) three medical practitioners, a dentist and a pharmacist elected from among their number by the members of each profession registered in the Register of Doctors, Dentists and Pharmacists;
- (c) two members from among their number elected by the members registered in the Register of Supplementary Medical Professions;
- (d) one member from among their number elected by the members registered in the Register of Associated Medical Professions; and
- (e) the Head of the Faculty of Medicine, if any, of the University of Botswana.

(2) The Registrar of Medical Services shall be the Secretary to the Council.”

Substitution
of
section 7
of the
principal
Act

Amendment of sections 8, 10, 12, 13 and 14 of the principal Act

6. Sections 8, 10, 12, 13 and 14 are hereby amended by the substitution for the word "committee", wherever it may appear in these sections, of the word "Council".

Deletion of section 15 of the principal Act

7. The principal Act is amended by the deletion of section 15 therefrom.

Amendment of section 19 of the principal Act

8. Subsection (1) of section 19, is hereby substituted by the following new subsection —

"19. (1) Any person who shall practise as a medical practitioner, intern, dentist, chemist, optician or as a member of any of the occupations or professions set out in Schedule D or who shall sell or dispose of poisons, drugs or proprietary medicines otherwise than as provided in this Act shall be guilty of an offence and shall be liable for the first offence to a fine of P1000 and for each second or subsequent offence to a fine of P2000 and in default of payment to imprisonment for twelve months in either case."

Amendment of section 21 of the principal Act

9. Section 21 of the principal Act is hereby amended by the re-numbering of paragraph (g) thereof as paragraph (h) and by the interpolation therein of the following new paragraph as paragraph (g) —

"(g) a code of conduct for persons registered under this Act;"

Substitution of Schedule B of the principal Act

10. The principal Act is hereby amended by the substitution for Schedule B thereof of the following new schedule —

**"SCHEDULE B
Form 1**

**THE BOTSWANA MEDICAL COUNCIL CERTIFICATE OF
GOOD STANDING**

Name:

Registered as:
(Profession)

Type of Registration:
(Full/Temporary/Provisional)

Qualification:
.....

This is to certify that the holder of this certificate was registered as indicated
above on (date)
in accordance with the Medical, Dental and Pharmacy Act of

It is further certified that no disciplinary proceedings are at present in
progress or contemplated against the practitioner.

Signed:
(Registrar)

Date:
Rubber Stamp

THE BOTSWANA MEDICAL COUNCIL
Form 2

Certificate No:

Date of Registration:

Type of Registration:
(Full/Temporary/Provisional)

Registration Certificate

Issued under the Medical, Dental and Pharmacy Act of)

This is to Certify that

.....
(Full Names)

has been registered as in accordance
(Profession)

with the Medical, Dental and Pharmacy Act of

The validity of this Certificate is subject to the holder being up to date in
his/ her retainer fees as prescribed by section of the above Act.

Seal of the
Council

Signed:

Full Name: "

Addition of
a new
Schedule D
to the
principal
Act

11. The principal Act is hereby amended by the addition thereto of the following new Schedule as Schedule D —

"SCHEDULE D

Supplementary Medical Professions

Physiotherapists
Opticians and Optometrists
Radiographers
Laboratory Technicians
Psychologists
Chiropodists
Health Inspectors
Dental Therapists
Pharmacy Technicians
Speech Therapists
Audio Therapists
Dental Technicians
Orthopaedic Technicians

Associated Medical professions

Homeopaths
Naturopaths
Osteopaths
Acupuncturists"

PASSED by the National Assembly this 17th day of December, 1987.

C.G. MOKOBI,
Clerk of the National Assembly.