
BILLS**SUPPLEMENT No. 14****6th October, 2023****BILLS SUPPLEMENT***to The Uganda Gazette No. 66. Volume C'XIV, dated 6th October, 2023*

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Bill No. 29*Uganda Health Professionals Regulatory
Council Bill***2023****THE UGANDA HEALTH PROFESSIONALS REGULATORY
COUNCIL BILL, 2023****MEMORANDUM****1. Policy and principles of Bill**

The policy behind the Bill is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure (RAPEX) which was adopted by the Cabinet on 22nd February 2021 and is contained in Cabinet Minute No. 43(CT 2021).

2. Defects in existing law

At present each category of medical professionals is regulated by a distinct council established by an Act of Parliament. Medical and dental practitioners are regulated by the Medical And Dental Practitioners' Council which was established by the Medical and Dental Practitioners Act, Cap 272. Nurses and midwives are regulated by the Nurses and Midwives Council, which was established by the Uganda Nurses and Midwives Act, Cap 274. The Pharmacy Board, which was established by the Pharmacy and Drugs Act, Cap 280, is responsible for regulating pharmacists. Allied health professionals are regulated by the Allied Health Professionals Council, which was established by the Allied Health Professionals Act, Cap 268. All the laws establishing the different councils provide for elaborate structures

to support the regulatory work of the councils. This presents a huge cost of administration to the treasury and results in the duplication of roles and functions among the councils. All health professionals may be regulated by one council.

3. Remedies proposed in Bill

The intention of the Bill is to merge the various health councils into one council called the Uganda Health Regulatory Council to regulate all health professionals. The Bill also seeks to consolidate the law on the regulation, supervision and control of the health professionals including medical and dental practitioners, pharmacists, allied health professionals, nurses and midwives; to register and license health professionals and for other related matters.

4. Provisions of Bill

The Bill has seven Parts and 145 clauses.

Part I deals with preliminary matters including the interpretation of words and phrases used in the Bill.

Part II of the Bill provides for the establishment, functions and composition of the Council. Clause 6 provides for the secretariat of the Council and clause 7 establishes the office of the Chief Registrar.

Part III deals with the regulation of medical and dental practitioners including the eligibility for registration. This Part also deals with the licensing and registration for private practice for medical and dental practitioners. The Part also deals with inquiries into cases of professional misconduct.

Part IV deals with the registration and enrolment of nurses and midwives.

- Part V deals with the registration of allied health professionals including the recognition of training institutions, eligibility for registration, eligibility where qualifications are not recognised, application for registration, register of allied health professionals and certificate of registration.
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Part VI deals with the regulation of the pharmacy profession.

Part VII deals with repealing of the Allied Health Professional Act, Cap. 268, the Medical and Dental Practitioners Act, Cap. 272, the Nurses and Midwives Act, Cap. 274 and the Pharmacy and Drugs Act, Cap. 280. This part also provides for the saving provision of the repealed laws.

WILSON MURULI MUKASA
Minister of Public Service

**THE UGANDA HEALTH PROFESSIONALS REGULATORY
COUNCIL BILL, 2023**

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A Bill for an Act

ENTITLED

**THE UGANDA HEALTH PROFESSIONALS REGULATORY
COUNCIL ACT, 2023**

An Act to consolidate the law on the regulation, supervision and control of the health professionals including medical and dental practitioners, pharmacists, allied health professionals, nurses and midwives; to register and license health professionals and for related matters.

BE IT ENACTED by Parliament as follows:

PART I – PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“chairperson” means the chairperson of the council appointed under section 4(1)(a);

“chief registrar” means the registrar of the council appointed under section 7;

“council” means the Uganda Health Professionals Regulatory Council established under section 2;

“currency point” has the value assigned to in schedule 1 to this Act;

“drug” means any substance or preparation used or intended to be used for internal or external application to the human body either in treatment of disease or for improving physiological functions;

“health unit” includes a private hospital, clinic, nursing home, maternity centre, allied health unit or other specialised establishment as well as Government units of the same nature;

“health professional” means a medical or dental practitioner, nurse, midwife, allied health professional or pharmacist;

“Minister” means the Minister responsible for health;

“national” means a citizen of Uganda;

“nursing home” means a health unit which is neither denominational nor Governmental, that is large or small, manned by at least a fully registered medical or dental practitioner for the purpose of treating general or specialised patients as outpatients or inpatients or both;

“private health unit” means a health unit not established by the central government or a local government;

“public health unit” means a health unit established by the central government or a local council.

PART II—ESTABLISHMENT, FUNCTIONS AND COMPOSITION OF THE COUNCIL

2. Establishment of council

(1) There is established a council to be known as the Uganda Health Professionals Regulatory Council.

(2) The council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and, subject to this Act, may do or suffer all other things and acts as bodies corporate may lawfully do or suffer.

(3) The seal of the council shall be authenticated in the manner provided under Schedule 2 to this Act.

3. Functions of council

The functions of the council shall be—

- (a) to register and licence health professionals or health units;
- (b) to monitor, exercise general supervision and maintenance of health professionals' standards, including continuing education;
- (c) to promote the maintenance and enforcement of professional ethics of health professionals;
- (d) to oversee the educational standards of health professionals at all levels, in consultation with other Government institutions mandated with regulating education;
- (e) to exercise disciplinary control over health professionals;
- (f) to protect society from abuse by health professionals and research on human beings;
- (g) to advise and make recommendations to the Government on matters relating to health professionals;
- (n) to exercise any power and perform any duty authorised or required by this Act or any other law;

- (i) to disseminate to health professionals and practitioners and the public, ethics relating to patient rights and obligations; and
- (j) for the purposes of discharging its functions under this Act, to perform any other function or act relating to health professionals and practice as the Minister may direct.

4. Composition of council

(1) The council shall consist of—

- (a) the chairperson, who shall be a senior health professional appointed by the Minister;
- (b) the director general of health services;
- (c) a person representing the medical practitioners;
- (d) a representative of the dental practitioners;
- (e) a person representing nurses and midwives who shall be a senior registered nurse or midwife or both;
- (f) a person representing pharmacists; and
- (g) a person representing allied health professionals.

(2) The chief registrar shall be the secretary to the council and as such shall participate in the deliberations of the council but shall have no right to vote.

(3) A member of the council shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment for only one term.

(4) A member of the council may resign his or her office by writing to the chairperson.

(5) Where the person resigning is the chairperson, the resignation shall be in writing and addressed to the Minister.

(6) Without prejudice to subsection (1) and (2), the Minister may remove a member of the council or chairperson from office for inability to perform the functions of his or her office.

(7) Where the office of a member of the council becomes vacant other than by expiry of time, the Minister may appoint another person to hold the office of the member.

(8) The person appointed under subsection (7) shall hold office for the period the office remains vacant and shall cease to hold office on the date on which the person in whose place he or she holds office may have ceased to hold office.

(9) Where a member of the council is, for any reasonable cause, temporarily unable to perform the functions of his or her office, the Minister may appoint a suitable person to act as a member of the council in the place of the substantive member for the period the member is unable to perform.

5. Committees of council

(1) For better carrying out of its functions, the council may appoint such committees composed of its members, or its members and other persons, as it may consider necessary.

(2) A committee appointed under subsection (1) shall deliberate on any matter assigned to it by the council and make recommendations to the council.

(3) The chairperson of a committee under this section shall be appointed from among the members of the council.

6. Meetings of council

(1) The council shall hold and conduct meetings in a manner prescribed in Schedule 2 to this Act.

(2) The Minister may, on the recommendation of the council, by statutory instrument amend Schedule 2 to this Act.

Management and Staff of council

7. Secretariat

(1) The council shall have a secretariat which shall assist the council in carrying out its functions.

(2) The functions of the secretariat shall be—

- (a) to implement the decisions of the council;
- (b) to recommend proposals for the formulation of policies of the council and to implement such policies as adopted by the council;
- (c) to establish and maintain relationships with national, regional and international organisations, institutions and agencies as may be appropriate for facilitating the implementation of the policies and the carrying out of the functions of the council; and
- (d) to carry out other functions within the functions of the council as the council may direct.

8. Chief registrar of council

(1) There shall be a chief registrar of the council who shall be a public officer appointed by the Health Service Commission from among the registered practitioners.

(2) The chief registrar shall be the head of the secretariat and the secretary of the council and its committees.

- (3) The office of chief registrar shall become vacant—
 - (a) where the registrar resigns his or her office in writing under his or her hand and the resignation is accepted by the Health Service Commission;
 - (b) where, in the opinion of the council, the chief registrar becomes incapable of performing the duties of his or her office and the Health Service Commission removes the chief registrar on the recommendation of the council; or
 - (c) where, the registrar is found guilty of misconduct by the council, as a practitioner or in relation to his or her office as registrar.

9. Functions of chief registrar

- (1) The functions of the chief registrar shall be—
 - (a) to keep and maintain, on behalf of the council, registers of health professionals;
 - (b) to make necessary alterations and corrections in the registers in relation to any entry as may be directed by the council;
 - (c) to remove from the register—
 - (i) the name of any person ordered to be removed in accordance with this Act;
 - (ii) the name of a deceased practitioner;
 - (iii) any entry which might have been incorrectly or fraudulently made in the register;
 - (iv) with the consent of the person concerned, the name of a person who has ceased to practise;

- (d) to reinstate any name removed from the register at the request of the person concerned and upon payment of the prescribed fee;
- (e) on behalf of the council, to inspect and have full access to all medical and dental health units, acting in accordance with the provisions of this Act;
- (f) to record or cause to be recorded all minutes of meetings of the council and its committees and to keep all records and documents of the council;
- (g) to keep in custody the seal of the council; and
- (h) to carry on any other function that may be conferred on him or her by the council.

(2) In addition to the functions under subsection (1), the chief registrar shall, subject to the general control of the council, be responsible for—

- (a) management of the funds and property of the council;
- (b) the day-to-day administration of the affairs of the council and of the secretariat; and
- (c) control of the staff of the council.

(3) The chairperson may, from time to time, in writing, require the chief registrar to submit a report on any matter affecting the affairs of the council.

(4) The chief registrar shall upon receipt of the request, from the chairperson, comply with the request.

(5) The chief registrar shall, within three months after the end of each financial year, submit to the council a general report on the affairs and activities of the council.

(6) The council shall, upon receipt of the report of the chief registrar consider the report and forward the report to the Minister.

10. Registrars

(1) The council shall have such number of registrars who shall be appointed in the same manner as the chief registrar and hold office on terms and conditions stipulated in the contract of service.

(2) A person appointed as a registrar under this section shall perform such duties as may be assigned to him or her by the chief registrar.

(3) Subject to subsection (2), a registrar shall deputise the chief registrar in all his or her duties and shall in the absence of the registrar shall perform the duties of the registrar.

(4) For the avoidance of doubt, there shall be appointed registrar for each health profession regulated under this Act.

11. Other staff

(1) The council may employ other officers and employees as may be necessary for the proper and efficient discharge of the functions of the council and the secretariat.

(2) The council may with the approval of the Minister regulate the manner of appointment, terms and conditions of service and the discipline of its employees.

(3) Public officers may be seconded to the service of the council or may otherwise give assistance to the council.

Financial Provisions

12. Funds of council

(1) The funds of the council shall consist of—

- (a) moneys appropriated by Parliament;
- (b) grants, gifts and donations received from the Government, organisations or other bodies;
- (c) fees and other monies payable to the council for services rendered by the council; and
- (d) monies that may become payable to or vested in the council in any manner, or in relation or incidental to the carrying out of its functions.

(2) The council shall operate a bank account in a bank it may determine, and the account shall be operated in the manner decided by the council.

13. Bank accounts

(1) The council shall, with the approval of the Accountant General, open and maintain bank accounts that are necessary for the performance of the functions of the council.

(2) The chief registrar shall ensure that all monies received by or on behalf of the council are banked as soon as practicable, in the bank accounts of the council.

(3) The chief registrar shall approve the monies to be paid out of any of the bank accounts of the council.

(4) The chief registrar shall notify the council about the status of the accounts and advise on the operation or closure of any account.

14. Powers to borrow

The council may borrow money from any source as may be required for purposes of meeting its obligations or for the discharge of its functions under this Act, subject to the Constitution and the Public Finance Management Act, 2015.

15. Budget estimates

(1) The chief registrar shall, not later than four months before the end of every financial year, prepare and submit to the council for its approval, estimates of income and expenditure of the council for the next financial year.

(2) The council shall, in accordance with the Public Finance Management Act, 2015, prepare and submit to the Minister, a budget containing the estimates of the income and expenditure of the council for the next financial year.

(3) The council shall not incur any expenditure exceeding the expenditure approved by the council under the estimates for the financial year in which the expenditure is to be made.

16. Financial year of council

The financial year of the council shall be the same as the financial year of Government.

17. Accounts

(1) The council shall keep proper books of accounts and records of its transactions and affairs.

(2) The chief registrar shall submit to the council annual books of accounts and report of the council for approval.

18. Audit

The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the council.

19. Annual report

(1) The council shall, within forty-five days after the end of each financial year, submit to the Minister an annual report in respect of that financial year containing—

- (a) financial statements of the council;
- (b) a report on the operations of the council; and
- (c) any other information regarding accounts of the council.

(2) The council shall submit to the Minister, as soon as practicable but in any case, not later than the 15th day of September of every year, an annual report detailing the activities and operations of the council in respect of the year to which the report relates including audited accounts.

20. Report to Parliament

The Minister shall, within two months after receipt of the annual report of the council, submit Parliament—

- (a) the annual report; and
- (b) the audited accounts of the council.

PART III—REGULATION OF MEDICAL AND DENTAL PRACTITIONERS

21. Application

This part applies to medical and dental practitioners.

22. Interpretation of Part III

In this Part, unless the context otherwise requires—

“active practice” means the regular management of medical or dental conditions by a medical or dental practitioner in public or private practice;

“dentist” means a person who qualifies to practise dentistry under this Act;

“internship” means the prescribed period of supervised practice from the time a practitioner obtains the first degree to the

time of satisfying the supervisor that the practitioner is competent;

“minimum continuing education” means the attendance by a medical or dental practitioner of at least one medical or dental seminar, workshop or other training event in a year;

“practitioner” means a person registered under section 27 to practise medicine, surgery or dentistry;

“private practice” means the practice of medicine or dentistry by a registered practitioner either alone or in partnership in a registered premise on his own account or that of the partnership;

“provisional registration” means registration made under section 29;

“qualification” includes a medical or dental diploma, certificate, degree or other document or written authority granted or awarded by a university, corporation, college or other body acting under the authority of the government of any country;

“register” means a register of medical or dental practitioners or specialists or of health units maintained by the registrar under section 25;

“registered dental surgery” means a premises duly registered by the council where private practice is carried out by a registered dentist;

“registered medical clinic” means a premises duly registered by the council where private practice is carried out by a registered medical practitioner;

“specialised establishment” means a premises, including laboratories and radiological units, duly registered by the council where private diagnostic or medical support services, including physiotherapy or other support services, are rendered;

“specialist” means a practitioner who has trained full time for not less than three years in an institution or in different institutions under guidance of a consultant or consultants or senior professionals in the relevant field of medical or dental practice and has obtained a post graduate qualification;

“specialist register” means the register of medical or dental specialists;

“temporary registration” means registration made under section 23(4).

Registers and Registration of Practitioners

23. Eligibility for registration

(1) A person with minimum qualifications listed under this section is eligible for registration in the respective category to which his or her qualifications relate—

- (a) a degree of Bachelor of Medicine, Bachelor of Surgery or Bachelor of Dental Surgery granted by a university established in Uganda by law; or
- (b) a medical or dental qualification recognised by the council for the purposes of registration.

(2) In addition to the qualifications provided under subsection (1), a person applying for registration shall satisfy the council that he or she has acquired experience by satisfactorily serving a full-time internship in a hospital approved by the council.

(3) In the case of a person holding a qualification other than a qualification obtained from a university established in Uganda by law, the council may accept experience that the council may consider to be equivalent to the experience specified under subsection (2) if that person produces a certificate of registration which entitled him or her to practise in that country where he or she was registered.

(4) Where a person applying for registration is not a citizen of Uganda and has a qualification obtained from a university established in Uganda by law or any other university recognised by the council, the person shall obtain a temporary registration as may be prescribed by the council.

24. Recognition of other qualifications

(1) The council may, taking into account the entrance requirements, the curriculum followed and, where possible, the professional standards exhibited by persons holding qualifications of the medical or dental school awarding the qualification under consideration, recognise qualifications other than qualifications awarded by a university established in Uganda by law, for purposes of registration under this Act.

(2) Qualifications recognised under subsection (1) shall be published in the Gazette as soon as the council recognises them, and the registrar shall after the 1st day of January and not later than the 31st day of March in each year cause to be published all such qualifications in the Gazette.

(3) The council may, at any time if professional standards so require, withdraw its recognition of qualifications under subsection (1).

(4) Where the council withdraws its recognition under subsection (3), the withdrawal shall not affect the registration of an already registered medical or dental practitioner or that of any

provisionally or temporary registered person of the entitlement to remain on the register and to continue to practise.

25. Registers and publication in Gazette

(1) The chief registrar shall maintain or cause to be maintained the following registers—

- (a) a main register of medical and dental practitioners in a form prescribed in regulations made under this Act;
- (b) a provisional register of medical and dental practitioners in a form prescribed in regulations made under this Act;
- (c) a temporary register of medical and dental practitioners in a form prescribed in regulations made under this Act;
- (d) a register for specialist medical and dental practitioners in a form prescribed in regulations made under this Act;
- (e) a register of health units in a form prescribed in regulations made under this Act; and
- (f) a register of medical and dental practitioners licensed to engage in active public or private practice in a form prescribed in regulations made under this Act.

(2) The chief registrar shall as soon as convenient after the 1st day of January and in any case not later than the 31st day of March in each year cause to be published in the Gazette all up-to-date registers maintained under subsection (1).

(3) The chief registrar shall as often as is convenient publish in the Gazette lists of persons and health units that have been registered in between the annual publication of updated registers.

26. Person whose qualification not recognised

(1) Where a person holds a qualification, which is not recognised by the council or which is not awarded by a university established in Uganda by law, he or she may apply to the council, and the council may make arrangements for that person to attend an interview and sit for an oral or written examination or both for the purpose of having his or her qualification recognised by the council.

(2) The council may, after interviewing or examining a person under subsection (1), direct the person to undergo a period of training or undertake further examination as the council may specify.

(3) The council shall authorise the registration of a person if it is satisfied with the results of an interview or examination under subsection (1) or when the conditions given under subsection (2) are fulfilled to its satisfaction.

(4) The council may appoint a committee from among its members or some other registered persons to assess the suitability for registration of a person under this section, and the committee shall submit its findings and recommendations to the council for the council's decision.

27. Application for registration

(1) Any person who qualifies to be registered as a medical or dental practitioner may apply to the council for registration.

(2) The council shall, if satisfied that the applicant is eligible for registration, authorise the chief registrar to enter the name of the applicant on the register.

(3) An application for registration shall be in a form prescribed in regulations made under this Act.

(4) An application made under this section shall be accompanied by documentary proof of the qualifications of the applicant together with the prescribed fees.

(5) The chief registrar shall not register in the medical or dental register the name of any person whose name has been removed from a similar register of any country on grounds of misconduct on the part of that person without the council making further inquiry to satisfy itself on whether the person may be registered.

28. Certificate of registration

(1) Upon registration of a person as a medical or dental practitioner, the chief registrar shall issue to the person registered, a certificate sealed with the seal of the council.

(2) The certificate of registration shall be in a form prescribed in regulations made under this Act.

29. Provisional registration

(1) A person who does not qualify to be registered by reason that he or she does not have the experience required under section 23(2) may apply to the council for provisional registration.

(2) Provisional registration shall cease to have effect when a provisionally registered medical or dental practitioner is fully registered.

30. Registered person to practise medicine or dentistry

(1) A person registered or provisionally registered as a medical practitioner under this Act may engage in medical practice.

(2) A person registered or provisionally registered as dental practitioner under this Act may engage in dental practice.

31. Removal from register

(1) The council may, after inquiry, cause to be removed from the register the name of any registered or provisionally registered person—

- (a) who is convicted by any court of law of a criminal offence involving moral turpitude;
- (b) who is found guilty of professional misconduct by the council;
- (c) whose name has been removed from the medical or dental practitioners register of any other country; or
- (d) who is suspended from practice.

(2) Where the name of any person is removed from the register in accordance with this section, the registration of a health unit or specialised establishment under his or her name shall also, by virtue of the removal, lapse unless it is registered in partnership with another practitioner or until such time as another practitioner is registered in respect of those premises.

32. Restoration of name after removal from register

(1) The council may, of its own motion or on the application of the person whose name has been removed from the register and after holding such inquiry as the council may consider desirable, cause the name of that person to be reinstated on the register on payment of a fee, as the council may determine.

(2) Where the name of a person is reinstated in accordance with subsection (1), the council may restore the registration of the medical clinic, dental surgery or specialised establishment that may have lapsed and may impose a period of supervision or any other conditions it deems fit.

Licensing and Registration for Private Practice

33. Private practice without licence prohibited

(1) A person shall not engage in private practice without a practising licence issued under this Act.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine of not exceeding five hundred currency points or imprisonment not exceeding seven years or to both.

34. Licensing of private practice

(1) A registered medical or dental practitioner may apply to the council for a licence to engage in private practice either as a general medical or dental practitioner or as a specialist in his or her area of specialisation.

(2) An application for a licence under subsection (1) shall be accompanied by a copy of the certificate of registration.

(3) The council may, if satisfied that the applicant possesses the necessary qualifications, authorise the grant of a licence for private practice in the prescribed form, subject to such conditions as the council may consider fit.

(4) A registered medical or dental practitioner shall not be granted a licence under this section to practise independently as a full-time medical or dental practitioner in a private practice, unless the council is satisfied that he or she has for a period of not less than three years subsequent to registration as a medical or dental practitioner acquired experience by having rendered satisfactory service in full-time employment in a hospital or health unit approved by the council or has obtained equivalent experience in a similar institution.

(5) The licence for private practice granted under subsection (3) shall be valid for the calendar year in which it is issued and is subject to renewal for one calendar year at a time.

(6) A licence renewed under subsection (5) shall not be issued subject to a condition which is less advantageous than that already attached unless the person concerned has been given an opportunity to be heard by the council.

(7) Any person aggrieved by a decision of the council under this section may, within thirty days from the date of notification of the decision, appeal to the Minister.

(8) The Minister may confirm, reverse or vary the decision of the council made under this section.

35. Registration of health units

(1) A person who intends to open a private health unit shall apply to the council for the registration of the health unit.

(2) The council may, after making such inquiry as it considers necessary, and receiving fees determined by the council, authorise the registration of the specific health unit.

(3) Upon registration of a health unit under subsection (2), the council shall issue a licence to the health unit.

(4) A licence issued under subsection (3) shall be in a form a form prescribed in regulations made under this Act.

(5) At the discretion of the council and subject to conditions that the council may determine, the registrar may register a private dispensary or maternity home operated by a medical assistant, nurse or midwife, as the case may be, exclusively for the use of a body corporate of an institution but under the supervision of a registered medical practitioner.

(6) Notwithstanding subsection (2), —

(a) public health units shall not pay the prescribed fee; and

- (b) health units which have been established for twenty or more years may not pay the prescribed fee.

(7) The licence for a private health unit issued under subsection (3) shall be valid for the calendar year in which it is issued and is subject to renewal for one year at a time.

(8) The Minister shall, upon the commencement of this Act, by statutory instrument, prescribe the period within which all existing health units may be registered.

36. Particulars of health units to be published in Gazette

The council shall cause to be published in the Gazette soon after registration is authorised and a licence is issued in respect of a health unit—

- (a) the name, address, qualifications and the date of registration of the medical or dental practitioner supervising the health unit;
- (b) the conditions, if any, attached to the licence;
- (c) the name and address of the health unit; and
- (d) the medical or dental practitioner in whose name the health unit is registered.

37. Control of operation of private health units

(1) A person shall not operate a private health unit or consulting room registered under this Act unless there is in attendance a registered medical or dental practitioner, as the case may be, to exercise personal supervision over the operations of the health unit or consulting room.

(2) Notwithstanding subsection (1), a person may operate a health unit in the absence of a registered practitioner for the purpose of making appointments or dressing and administering follow-up treatments.

(3) A medical or dental practitioner shall not, except with a special licence or permission, engage in stockpiling, retailing or wholesaling of drugs at a health unit.

38. Inspection of health units

(1) The chief registrar or any medical or dental practitioner authorised by the council shall for the purpose of certifying that the provisions of this Act are complied with enter and inspect any health unit with the assistance of a law enforcement officer, where necessary.

(2) If in the opinion of the person who made the inspection any action against the health unit is necessary, the person shall submit a report to that effect to the council at the earliest opportunity.

(3) On receipt of a report made under subsection (2), the council may, after making or causing to be made such inquiry as is considered necessary and after affording an opportunity to the owner of the health unit to be heard, take action as it may consider fit.

Inquiry by Council

39. Inquiry into professional misconduct

The council shall hold an inquiry where the council receives an allegation which, if proved, would constitute professional misconduct on the part of a registered practitioner under this Act.

40. Procedure of inquiry

(1) For purposes of holding an inquiry under this Part, the chief registrar, in consultation with the chairperson, shall convene a meeting of the council.

(2) A notice in writing signed by the chief registrar indicating the date, place and time of the inquiry shall be served personally on or sent by registered post or courier to the person whose conduct is the subject of inquiry at least twenty-one days prior to the date of inquiry.

(3) The notice under subsection (2) shall specify particulars of the alleged misconduct to be inquired into and shall be accompanied by a copy of any document to be produced in evidence at the inquiry.

(4) Any document referred to in subsection (3) shall be made available for public inspection at all reasonable times at the office of the chief registrar.

(5) A person whose conduct is the subject of inquiry shall be entitled to be present and to be represented by an advocate of his or her choice in respect of the inquiry.

(6) Where a person whose conduct is the subject of inquiry fails without reasonable cause to appear and the council is satisfied that the provisions of subsection (2) have been complied with, the council may proceed with the inquiry in absence of the person who is subject to an inquiry.

(7) The provisions of Chapter X of the Penal Code Act and section 131 of the Evidence Act shall apply in relation to any inquiry held by the council as they apply in relation to causes or matters in a court of law.

(8) The council may order and enforce the attendance of any person as witness at any inquiry under this Act and may require the production of books and documents as it may deem fit.

(9) Summons for the attendance of a witness at the proceedings of an inquiry by the council shall be signed and issued by the chief registrar.

(10) The proceedings and decision of the council at an inquiry shall be recorded under the direction of the chairperson and when signed shall be conclusive evidence of the proceedings and decision.

(11) Subject to the foregoing provisions, the council may regulate its own procedure in all inquiries under this Act.

41. Legal advice to council at inquiry

(1) The council may appoint an advocate to assist the council in the conduct of an inquiry and for purposes of advising the council on any question of law arising or likely to arise in the inquiry.

(2) An advocate appointed by the council under subsection (1) shall be a person who has been entitled to practise for not less than six years.

(3) Where an advocate appointed under subsection (1) advises the council on any question of law—

- (a) prior to the commencement of the council's proceedings, the advice tendered shall be given in the presence of the person whose conduct is the subject of inquiry and his or her advocate, if any, or when either of them is present;
- (b) if the council commences or conducts any of its proceedings in the absence of the person whose conduct is the subject of inquiry and his or her advocate, if any, that person or his or her advocate shall be informed of the advice;
- (c) the person whose conduct is the subject of inquiry or his or her advocate shall be informed during the inquiry if the council does not accept the advice of the advocate.

42. Notification of decision to person concerned

Within thirty days after the conclusion of an inquiry, the chief registrar shall notify the person concerned in writing of the decision of the council.

43. Publication of decision of council

The council may direct that the report of an inquiry held by it be published in a manner that the council deems fit.

44. Appeal to High Court

(1) A person aggrieved by the decision of the council in any inquiry may, within ninety days from the date of notification of the decision of the council, appeal to the High Court against the decision.

(2) The High Court may confirm, annul or vary the decision as it deems fit.

(3) The Chief Justice may make rules regulating appeals to the High Court under this Act.

Miscellaneous Provisions

45. Additional qualifications

A person registered under this Part who has acquired additional qualifications approved by the council may, on payment of a prescribed fee, have the additional qualifications included in the register.

46. Publication prima facie evidence

(1) The publication of the lists in the Gazette as provided in section 25 shall be prima facie evidence that—

- (a) a person whose name appears therein is registered as indicated in the Gazette;
- (b) the health unit, mentioned in the Gazette at the time of publication, is duly registered under this Act; or
- (c) the absence of the name of any person or health unit from the relevant list means that a person or health unit is not registered under this Act.

(2) A copy or extract from a register certified under the hand of the chief registrar shall be received in evidence in a court of law.

47. Charges

(1) A registered medical or dental practitioner may demand reasonable charges—

(a) for medical, surgical or dental advice given;

(b) for the attendance or treatment rendered;

(c) for the performance of any medical, surgical or dental appliances; or

(d) for any drugs prescribed or supplied,

and shall be entitled to sue for or recover the same, with full costs, in any court of competent jurisdiction.

(2) For the avoidance of doubt, a person who is not registered under this Part shall not demand any charges under subsection (1).

48. Authorised person to give medical or dental treatment

(1) A person authorised by the director general of health services may give medical or dental treatment in a Government medical institution after undergoing appropriate training.

(2) A person authorised to give medical or dental treatment under subsection (1) shall not be allowed—

(a) to possess or use any drugs, instruments or appliances other than those authorised by the director general of health services; or

(b) to charge or receive any fee or other consideration for the treatment rendered to a person.

49. Registered practitioner to undertake minimum continuing education

(1) Every practitioner engaged in active public or private practice shall be required to undergo a minimum continuing medical or dental education prescribed and organised by the council.

(2) A medical or dental practitioner shall not remain on the register unless he or she has undergone a minimum continuing education under subsection (1).

(3) Failure by a medical or dental practitioner to comply with subsection (1) shall constitute a ground for disciplinary action.

(4) The council may—

(a) delegate its powers under subsection (1) to—

(i) the Uganda Medical Association;

(ii) the Uganda Dental Association; or

(iii) any other dental or medical association it may deem fit; or

(b) recognise any minimum continuing education taken by a practitioner from outside Uganda.

50. Notification of death of practitioner

The registration officer, in the performance of his or her duties under the Registration of Persons Act, 2015, shall, on receiving a report of the death of any registered or provisionally registered medical or dental practitioner, notify the chief registrar of the death in writing.

51. Regulations

The Minister may, on the recommendation of the council, make regulations generally for better carrying out the provisions of this Part

and, without prejudice to the generality of the foregoing, the Minister may—

- (a) prescribe the fees to be prescribed under this Part, including the fees payable for any registration under this Part;
- (b) prescribe the application forms that may be necessary; or
- (c) prescribe any other form to be issued under this Part.

52. Offences and penalties

Any person who—

- (a) wilfully and falsely uses any name or title implying a qualification to practise medicine, surgery, dentistry;
 - (b) not being registered or authorised under this Act practises whether openly or impliedly as a medical or dental practitioner;
 - (c) wilfully procures or attempts to procure himself or herself to be registered under this Act by false or fraudulent representation either verbally or in writing;
 - (d) having been summoned by the council fails—
 - (i) to attend as a witness;
 - (ii) to produce any books or documents which he or she is required to produce without reasonable cause;
 - (iii) refuses, without lawful excuse, to answer any question put to him or her in the course of the proceedings of the council; or
 - (iv) contravenes any other provision of this Act,
- commits an offence and is liable, on conviction, to a fine not exceeding three hundred currency points or to imprisonment for a term not exceeding three years, or to both.

**PART IV—REGISTRATION AND ENROLMENT OF
NURSES AND MIDWIVES**

53. Application

This part applies to nurses and midwives.

54. Interpretation of Part IV

In this Part, unless the context otherwise requires—

“certificate” means a certificate issued under section 60;

“enrolled” means having the name entered in the roll under section 58;

“midwife” means a person who is trained and qualified in the care of women in relation to childbirth and in the care of infants and who is registered or enrolled under section 59;

“nurse” means a person who is trained and qualified in the promotion of health, the prevention of disease and the care of the sick and who is registered or enrolled under section 59;

“register” means the register kept under section 58;

“registered” means having the name entered in the register under section 58;

“roll” means the roll kept under section 58;

“supervisory authority” means a person or body appointed to be a supervisory authority under section 81;

“traditional birth attendant” means a person recognised by her community as being able to assist women in childbirth.

55. Eligibility for registration or enrollment

A person holding any of the following minimum qualifications shall be eligible for registration or enrollment in the appropriate category to which the qualifications relate—

- (a) a degree of Bachelor of Science in nursing recognised by the council;
- (b) a certificate or diploma in nursing issued by Uganda Nurses and Midwives Examination Board;
- (c) a person who produces evidence satisfactory to the council that he or she has been registered or enrolled as a nurse or midwife in any other country in which there is for the time being in force a law for registration or enrollment of nurses and midwives and in respect of which country the council is satisfied that the standard of training and examination is not inferior to the standard set by the council; or
- (d) a nursing or midwifery qualification recognised by the council under section 56.

56. Other qualifications recognised

(1) The council may, taking into account the entrance requirements, the curriculum followed and, where possible, the professional standards exhibited by persons holding qualifications of the training institution awarding the qualification under consideration, recognise the institutions and qualifications other than those provided under section 55 (a), (b) and (c) for purposes of registration or enrollment under this Part.

(2) The chief registrar shall as soon as council recognises a training institution under subsection (1) publish the training institutions in the Gazette.

(3) The chief registrar shall, after the 1st day of January and not later than the 31st day of March in each year, cause to be published in the Gazette all qualifications recognised under this section.

(4) The council may, at any time, if professional standards so require, withdraw its recognition under subsection (1).

(5) The withdrawal of a qualification under subsection (4) shall not affect the registration or enrollment of any already registered or enrolled nurse or midwife or the entitlement of any provisionally registered or enrolled person to remain on the register or roll and to continue to practise.

57. Eligibility where qualifications not recognised

(1) A person holding a qualification which is not recognised by the council may apply to the council to have his or her qualification recognised.

(2) The council may upon receipt of the application under subsection (1) make arrangements for the person making an application to attend an interview and sit for an oral or written examination or both for the purpose of having his or her qualification recognised by the council.

(3) The council may after interviewing or examining a person under subsection (2) direct the person to undergo a period of training or to undertake further examination as the council may specify.

(4) The council shall authorise the registration or enrollment of a person if it is satisfied with the results of an interview or examination under subsection (2) or when the conditions given under subsection (3) are fulfilled to its satisfaction.

(5) The council may appoint a committee to assess the suitability for registration or enrollment of a person under this section, and the committee shall submit its findings and recommendations to the council for the council's decision.

58. Register and roll of nurses and midwives

(1) The chief registrar shall keep and maintain a register and a roll of nurses and midwives and shall enter against the name of a person registered or enrolled—

- (a) the address of contact;
- (b) the date of entry;
- (c) qualifications and additional qualification; and
- (d) such other particulars as the council may determine.

(2) The chief registrar shall cause to be published in the Gazette the name of a person registered as soon as is practicable and shall, after the 1st day of January and not later than the 31st day of March in each year cause to be published in the Gazette an up-to-date register and roll maintained under this section.

(3) Subject to subsection (1), the register and the roll shall be in forms a form prescribed in regulations made under this Act.

59. Application for registration or enrollment

(1) A person who qualifies to be registered or enrolled as a nurse or midwife may apply to the council for registration or enrollment.

(2) The council may, if it is satisfied that the applicant is eligible for registration, authorise the chief registrar to enter that person's name on the register or roll.

(3) An application for registration or enrollment shall be in the form prescribed by regulations made under this Act.

(4) The application shall be accompanied by documentary proof of the qualifications of the applicant together with the prescribed fee.

(5) The chief registrar shall not register or enroll a person under section 53 (c) whose name has been removed from the register or roll in the country in which he had been registered.

60. Certificate of registration or enrollment

On the registration or enrollment of a nurse or midwife, the chief registrar shall issue to the person registered or enrolled a certificate of registration or enrollment in a form prescribed by regulations made under this Act with the seal of the council affixed on the certificate.

61. All registered nurses or midwives to be issued with practising licences

(1) A registered nurse or midwife practising in a health unit, whether private or public, shall apply to the council for a practising licence.

(2) An application for a licence under this section shall be accompanied by a copy of the certificate of registration.

(3) The council may, if satisfied that the applicant possesses the necessary qualifications, grant a licence.

(4) A practising licence granted under subsection (3) shall be valid for a period of three calendar years and may be renewed subject to conditions that the council may determine.

(5) A practising licence granted under subsection (3) shall not be issued subject to a condition which is less advantageous than that already attached unless the applicant has been given an opportunity of being heard by the council.

62. Titles used by registered or enrolled persons

(1) A person registered under this Part of the Act may take and use the title “Registered Nurse” or “Registered Midwife”, as the case may be.

(2) A person enrolled under this Part of the Act may take and use the title “Enrolled Nurse” or “Enrolled Midwife”, as the case may be.

(3) A person who uses a title which he or she is not entitled to use under this section commits an offence.

63. Registration or enrollment not a right to practise medicine

Registration or enrollment under this Part shall not confer upon any person a right under the Part III dealing with Medical and Dental Practitioners—

- (a) to assume a name, title or designation under that Part;
- (b) to practise medicine, surgery or dentistry;
- (c) to grant any medical certificate or certificate of death; or
- (d) to undertake the charge of cases of abnormality or disease in connection with parturition.

64. Removal from register or roll

(1) The council may, after inquiry, cause to be removed from the register or roll the name of any person—

- (a) who is convicted by a court of law of a criminal offence involving moral turpitude;
- (b) who is found guilty of professional misconduct by the council; or
- (c) who is suspended from practice.

(2) When the name of a person is removed from a register or roll in accordance with this Act, the registration of a maternity home or nurse health unit under his or her name shall, by virtue of the removal, lapse, unless it is registered in a partnership with other

registered or enrolled persons or until such time as another qualified person is registered in respect of those premises.

65. Restoration of name after removal from register or roll

(1) The council may, on the application of the person whose name has been removed from the register or roll after the expiration of a prescribed period, cause the name of the person that had been removed from the register to be reinstated on the register or roll on the payment of a prescribed fee.

(2) Where the name of a person is reinstated on the register or roll, the council may restore the registration of the establishment that may have lapsed and may impose any condition it may deem fit.

Regulation of Private Practice

66. Private practice

(1) A registered or enrolled midwife who has served in a hospital or health unit for not less than five years may apply to the council for a licence to engage in private practice as a midwife to undertake the care of women in relation to childbirth and of infants and to manage common health conditions in the community.

(2) A registered nurse who has served in a hospital or health unit for not less than ten years may apply to the council for a licence to engage in private practice to manage common health conditions in the community.

(3) An application for a licence under this section shall be accompanied by a copy of the certificate of registration issued under section 58.

(4) The council may, if satisfied that the applicant possesses the necessary qualifications, authorise the registration and grant a licence to the applicant.

(5) A licence for private practice granted under subsection (4) shall be valid for the calendar year in which it is granted, but it may be renewed subject to conditions that the council may determine for a period of one calendar year at a time.

(6) A licence renewed under subsection (5) shall not be issued subject to a condition which is less advantageous than that already attached unless the person concerned has been given an opportunity of being heard by the council.

(7) The chief registrar shall keep a register of all persons engaged in private practice.

67. Annual report by licensed person

(1) A person who is licensed under this Part of the Act shall, before the 31st day of January in each year, make and submit to the supervisory authority a report of his or her transactions and all the cases he or she attended to in the preceding year.

(2) The licensed person shall make available to the supervisory authority for inspection, all the registers and records made by the person under subsection (1) in the preceding year.

(3) The supervisory authority shall, if satisfied with the transactions of the person and the report made under subsection (1), issue a letter of competence to the person.

(4) The person issued with a letter of competence under subsection (3) shall, before the 31st day of January each year, present the letter of competence, together with the application for renewal, to the chief registrar for the renewal of a practising licence.

68. Registration of maternity homes and nurse health units

(1) On and after the coming into force of this Act any—

(a) registered nurse; or

(b) registered or enrolled midwife,
who intends to open a nurse health unit or a maternity home shall apply to the council for the registration of such nurse health unit or maternity home.

(2) The council shall, after making an inquiry and receiving a fee prescribed by the council, authorise the registration of the nurse health unit or maternity home; and upon registration, a licence shall be issued in respect of that nurse health unit or maternity home.

(3) The chief registrar shall not register a nurse health unit or maternity home in the name of a registered nurse or midwife unless the chief registrar is satisfied that there is a registered medical practitioner in the locality who will supervise the nurse health unit or maternity home.

(4) A licence issued under subsection (2) shall be valid for the calendar year in which it is issued and is subject to renewal for a period of one year at a time.

69. Publication of nurse health units and maternity homes in Gazette

The council shall cause to be published in the Gazette soon after registration is authorised and a licence issued in respect of a nurse health unit or maternity home—

- (a) the name, address, qualifications and the date of registration of the medical or dental practitioner supervising the nurse health unit or the maternity home;
- (b) the conditions attached to the licence;
- (c) the name and address of the nurse health unit or maternity home; and

- (d) the name, address, qualifications and date of registration of the nurse or midwife or those of an enrolled midwife in whose name the nurse health unit or maternity home is registered.

70. Protection of patients

(1) A person registered or enrolled under this Act shall not, except with a special licence or permission, engage in stockpiling, retailing or wholesaling of drugs at his or her nurse health unit or maternity home.

(2) In the interest of good practice and the welfare of patients, a nurse or midwife shall not carry out procedures beyond common conditions and health problems and shall refer all cases beyond his or her ability to a medical practitioner.

(3) A registered or enrolled nurse or midwife who employs as his or her substitute a person who is not registered or enrolled in the same category as oneself commits an offence.

71. Inspection of nurse health units

(1) The chief registrar, registrar or registered nurse or midwife authorised by the council shall, for the purposes of certifying that the provisions of this Act are complied with, enter and inspect any nurse health unit or maternity home with the assistance of a law enforcement officer, if necessary.

(2) If in the opinion of the person who made the inspection any action against the nurse health unit or maternity home is necessary, the person shall submit a report to that effect to the council within thirty days.

(3) On receipt of a report made under subsection (2), the council may, after making or causing to be made such inquiry as is

considered necessary and after affording an opportunity to the owner to be heard, take action as it may consider fit.

Disciplinary Provisions

72. Disciplinary committee

(1) For purposes of this Part, the council shall have disciplinary committee which shall consist of—

- (a) the chairperson appointed by the council from among its members who shall preside at all meetings of the committee;
- (b) three members appointed by the council from among its members;
- (c) one person appointed by the council who shall be a person registered or enrolled in the same category as the person whose conduct is the subject of an inquiry by the committee;
- (d) an advocate of not less than five years standing appointed by the council;
- (e) a member of the Health Service Commission;
- (f) a supervisory authority from the area in which the person whose conduct is the subject of inquiry operates; and
- (g) the chief registrar, who shall also be the secretary to the committee.

(2) At the meeting of the disciplinary committee, five members, including the chairperson and a person registered or enrolled in the same category as the person whose conduct is the subject of inquiry, shall form a quorum.

73. Inquiry by committee

(1) The conduct of a registered or enrolled nurse or midwife may be the subject of inquiry by the disciplinary committee if—

- (a) he or she is convicted of an offence under this Act or any other law substituted for that Act;
- (b) he or she is convicted of any offence involving dishonesty or fraud;
- (c) he or she is alleged to have committed any scandalous conduct in respect of his or her professional calling; or
- (d) his or her name has been struck off the register or roll of any board, hospital, university or other body recognised by the council.

(2) A meeting of the committee for the purpose of holding an inquiry under this section shall be convened by the chief registrar.

(3) At least twenty-eight days' notice prior to the date fixed for an inquiry under this section and in writing signed by the chief registrar shall be served personally on the nurse or midwife the subject of inquiry or sent to that person by registered post at his or her last known address informing him or her of the time and place fixed for the inquiry and of the substance of the allegation made against him, accompanied, where practicable, by a copy of any document to be produced at the inquiry and any other document which shall be available at all reasonable times before the inquiry for inspection by the person or his or her advocate.

(4) A nurse or midwife subject to an inquiry shall be entitled to be present at the proceedings and, if he or she wishes, to be represented by an advocate.

(5) If at the time and place fixed for the inquiry, the nurse or midwife subject to an inquiry fails without reasonable excuse to

appear and the committee is satisfied that the provisions of subsection (3) have been complied with, it shall be lawful for the committee to proceed with the inquiry as if the nurse or midwife were present.

(6) An inquiry under this section shall be deemed to be a judicial proceeding for the purposes of sections 94 and 99 of the Penal Code Act.

74. Power to summon witnesses

(1) In any inquiry under section 73, the committee shall have the powers of the High Court to summon witnesses and to call for the production of books, plans and documents and to examine witnesses and parties on oath.

(2) Summons for the attendance of witnesses or other persons at any inquiry held under section 73 shall be signed by the chief registrar, and oaths and affirmations shall be authenticated at the inquiry by the person presiding over the committee.

75. Offences by witnesses

(1) A person who, having been served with summons to attend and give evidence or to produce any book, plan or document at any inquiry—

- (a) fails without reasonable cause to obey the summons;
 - (b) refuses without reasonable cause to answer all questions put to him by the committee; or
 - (c) wilfully interrupts the proceedings of the committee or insults any member of the committee,
- commits an offence.

(2) An inquiry under section 73 shall be deemed to be a suit or proceeding for the purposes of section 131 of the Evidence Act.

76. Disciplinary powers of committee

The committee may, after due inquiry is made in accordance with this Act—

- (a) in the case of a registered nurse or midwife, recommend to the council the removal of his or her name from the register;
- (b) in the case of any enrolled nurse or midwife, recommend to the council the removal of his or her name from the roll;
- (c) order the suspension of the nurse or midwife for a period that it may deem fit; or
- (d) reprimand the nurse or midwife.

77. Proceedings to be recorded

(1) The proceedings of the committee at any inquiry under the provisions of this Act shall be recorded in writing and signed by the person presiding over the committee and when recorded and signed shall be conclusive evidence of the finding and decision.

(2) A copy of any direction or order and the notification of any reprimand under section 76 shall be served upon the relevant registered nurse or midwife or the enrolled nurse or midwife either personally or by registered post addressed to his last known address.

(3) A nurse or midwife who has been suspended from practice or whose name has been ordered to be removed from the register or roll under this Act shall surrender for retention or cancellation, as the case may be, the registration or enrollment certificate within a period directed by the committee.

78. Appeal from decision of council

(1) A person who is aggrieved by the decision of the council may, within one month from receipt of the decision, or within a further period that the High Court may in any case allow, appeal to the High Court.

(2) Every appeal referred to under subsection (1) shall be by petition stating the facts and grounds of appeal, and a copy of the petition shall be served on the chief registrar.

(3) A nurse or midwife whom the council has ordered to be suspended from practice or whose name has been removed from the register or roll shall be informed of his or her right to appeal to the High Court under subsection (1).

(4) On hearing any appeal under this section, the High Court may allow or dismiss the appeal or alter or vary the decision of the council or make any other order that may appear just.

(5) In all circumstances under subsection (4), the decision of the High Court shall be final.

Miscellaneous Provisions

79. Change of practising venue

(1) A person registered or enrolled under this Act who, having been practising in a place, ceases to practise in that place and commences to practise in some other place shall, within seven days before commencing to practise, give notice accompanied by a recommendation from the supervising authority of the place where he or she was practising.

(2) A notice under subsection (1) shall contain particulars that may be required by rules made under this Act.

(3) A person registered or enrolled under this Act who fails to comply with any of the provisions of this section commits an offence.

80. Additional qualifications

A person registered or enrolled under this Part who has acquired additional qualifications approved by the council may, on payment

of a prescribed fee, have the additional qualification included in the register or roll.

81. Supervisory authority

(1) The council may, in respect of any region, district or smaller area, appoint a senior registered nurse or midwife to be the supervisory authority to any registered nurse or registered or enrolled midwife or class of registered nurses or enrolled midwives.

(2) The supervisory authority shall have a duty—

- (a) to exercise general supervision over nurses and midwives in accordance with the rules made under this Act;
- (b) to investigate charges of malpractice, negligence or misconduct against a nurse or midwife and make full report to the disciplinary committee of the facts and circumstances of the charge;
- (c) to suspend from practice for a period not exceeding three months, and in accordance with rules made under this Act, any nurse or midwife if suspension appears necessary;
- (d) to report to the disciplinary committee, the name of any nurse or midwife convicted of an offence and the nature of the offence committed as soon as possible after the conviction comes to the knowledge of the supervisory authority.

(3) The supervisory authority shall immediately after the suspension of a nurse or midwife under subsection (2) (c) make a report, including the circumstances and reasons of the suspension, to the disciplinary committee.

82. Notification of death of nurse or midwife

The supervisory authority shall, on receiving information of the death of a registered or enrolled nurse or midwife notify the chief registrar in writing of the death.

83. Publication prima facie evidence

(1) The publication of any list in the Gazette under this Act shall be prima facie evidence that—

- (a) a person whose name appears therein is registered or enrolled as indicated in the Gazette;
- (b) the nurse, health unit or maternity home mentioned in the Gazette at the time of publication is duly registered under this Act; and
- (c) the absence of the name of any person or health unit from the relevant list means that a person or health unit is not registered under this Act.

(2) A copy or extract from a register or roll certified under the hand of the chief registrar shall be received in evidence in a court of law.

84. Charges

A nurse or midwife engaged in private practice under this Act may demand reasonable charges for the attendance on, treatment of or service rendered to any person under this Act and for any drugs supplied, and shall be entitled to sue for or recover the same, with full costs, in any court of competent jurisdiction.

85. Regulations

The Minister may, on the recommendation of the council, make regulations generally for better carrying out the provisions of this Part and, without prejudice to the generality of the foregoing, the Minister may—

- (a) prescribe the fees to be paid under this Part;
- (b) prescribe the application forms that may be necessary;
- (c) prescribe any form for registration certificate and licences to be issued under this Act;

- (d) prescribe the form of the register or roll to be kept under this Part; or
- (e) prescribe any other thing matter for the better carrying out of this Part.

86. Procuring registration by fraud

A person who—

- (a) makes or produces or causes to be produced any false or fraudulent representation or declaration, whether verbally or in writing, while procuring or attempting to procure oneself or any other person to be registered or enrolled; or
- (b) wilfully makes or causes to be made any false entry in the register or roll,

commits an offence.

87. Registered or enrolled nurse or midwife to undergo minimum continuing education

(1) Every registered or enrolled nurse or midwife engaged in active public or private practice shall undergo minimum continuing education courses as prescribed by the council in order to remain on the register.

(2) The council may delegate the responsibility of arranging the continuing education in subsection (1) to the Uganda Nurses and Midwives Association or any other professional association the council may deem fit.

(3) Failure of a registered or enrolled nurse or midwife to satisfy the council that he or she has undergone minimum continuing education shall constitute grounds for the council to take disciplinary action.

88. Unregistered person using title

(1) A person not registered or enrolled under this Act who makes use of any of the titles referred to in section 62 or who holds himself or herself directly or indirectly as being registered or enrolled, or wears any prescribed uniform, badge or any other distinguishing device or any initiation calculated to deceive commits an offence.

(2) A person who is not registered or enrolled under the provisions of this Act who practises for gain as a nurse or midwife, as the case may be, commits an offence.

(3) Subsection (2) shall not affect the traditional birth attendants who shall practise only in local communities.

89. Offences and penalties

A person who commits an offence under this Part is liable on conviction to a fine of not three hundred currency points or imprisonment for a period not exceeding three years or to both.

PART V—REGISTRATION OF ALLIED HEALTH PROFESSIONALS

90. Application

This part applies to allied health professionals.

91. Recognition of training institutions

(1) The council may, taking into account the entrance requirements, the curriculum followed and, where possible, the professional standards exhibited by persons holding qualifications of the training institution awarding the qualification, recognise the institution and the qualification awarded by the training institution for purposes of registration under this Part.

(2) The chief registrar shall as soon as the council recognises training institution under subsection (1), publish the training institutions in the Gazette.

(3) The chief registrar shall, after the 1st day of January and not later than the 31st day of March in each year, cause to be published in the Gazette all qualifications recognised under this section.

(4) The council may, at any time, if professional standards so require, withdraw its recognition under subsection (1).

(5) The withdrawal of recognition under subsection (4) shall not affect the registration of an already registered professional or his or her entitlement.

92. Eligibility for registration

(1) A person holding any of the following qualifications awarded by a training institution recognised under section 91 shall be eligible for registration in the discipline to which the qualifications relate—

- (a) a degree of Bachelor of Science in any of the disciplines of allied health professions awarded by a university established in Uganda by law;
- (b) a certificate or diploma in any of the disciplines of allied health professions; or
- (c) an allied health qualification recognised under subsection (2).

(2) A person who produces evidence satisfactory to the council that he or she is a member of any association or institute of allied health professionals in any other country, by whatever name called, in respect of which the council is satisfied that the standard of training and examination is not inferior to the standards set by the council, may apply for registration.

93. Eligibility where qualifications are not recognised

(1) A person who has a qualification which is not recognised by the council may apply to the council to have his or her qualification recognised.

(2) The council may make arrangements for the person applying to have his or her qualifications to attend an interview and sit for an oral or written examination or both for the purpose of having that qualification recognised by the council.

(3) The council may after interviewing or examining a person under subsection (1) direct that person to undergo a period of training or undertake further examination as it may specify.

(4) The council shall authorise the registration of a person if it is satisfied with the results of the interview or examination under subsection (1) or when the conditions given under subsection (2) are fulfilled to its satisfaction.

(5) The council may appoint a committee to assess the suitability for registration of a person under this section, and the committee shall submit its findings and recommendations to the council for the council's decision.

94. Application for registration

(1) A person who qualifies to be registered as an allied health professional may apply to the council for registration.

(2) The council shall, if it is satisfied that the applicant is eligible for registration, authorise the chief registrar to enter the person's name on the appropriate register.

(3) An application for registration shall be in a form prescribed by regulations made under this Part.

(4) The application shall be accompanied by documentary proof of the qualifications of the applicant together with the prescribed fee.

(5) The chief registrar shall not register a person under subsection (2) whose name has been removed from the register in the country in which he or she had been registered.

95. Register of allied health professionals

(1) The chief registrar shall keep and maintain a register of allied health professionals and shall enter against the name of a person registered—

- (a) the address of contact;
- (b) the date of entry;
- (c) qualification and additional qualifications; and
- (d) such other particulars as the council may determine.

(2) The chief registrar shall cause to be published in the Gazette the name of a person registered or struck off the register as soon as is practicable and shall, after the 1st day of January and not later than the 31st day of March in each year, cause to be published in the Gazette the up-to-date register maintained under this section.

(3) Subject to subsection (1), the register shall be in the form prescribed in regulations made under this Part.

96. Certificate of registration

(1) On the registration of an allied health professional, the chief registrar shall issue to the person registered a certificate of registration in the form prescribed in regulations made under this Part.

(2) The certificate of registration issued under subsection (1) shall be sealed with the seal of the council.

97. Registration not right to practise medicine

Registration under this Part shall not confer upon any registered person under this Part a right—

- (a) to practice as a medical and dental practitioner;
- (b) to assume a name, title or designation of a medical or dental practitioner;
- (c) to practise medicine or dentistry except as is provided under this Act;
- (d) to grant any medical certificate or certificate of death except for the disciplines allowed to do so under this Act; or
- (e) to undertake the charge of cases of abnormality or disease in connection with parturition.

98. Removal from register

(1) The council may, after inquiry, cause to be removed from the register the name of any person—

- (a) who is convicted by a court of law of a criminal offence involving moral turpitude;
- (b) who is found guilty of professional misconduct by the council; or
- (c) who is suspended from practice.

(2) When the name of a person is removed from a register in accordance with this Act, the registration of an allied health unit under his or her name shall, by virtue of the removal, lapse, unless it is registered in a partnership with other registered persons or until such time as another qualified person is registered in respect of those premises.

99. Restoration of name after removal

(1) The council may, on the application of the person whose name has been removed from the register, after the expiration of a prescribed period cause the name of the person to be reinstated on the register upon payment of the prescribed fee.

(2) Where the name of the person is reinstated on the register, the council may restore the registration of the establishment that may have lapsed and may impose any condition as it may deem fit.

*Licensing and Registration of Allied Health
Professionals for Private Practice*

100. Allied health professionals to engage in private practice

The following categories of allied health professionals may establish, engage in and manage private common health conditions units—

- (a) dispensers to manage drug shops, compounding and preparation of mixtures as may be approved by the National Drug Authority;
- (b) medical clinical officers to manage some common health conditions approved by the council;
- (c) laboratory technologists to manage laboratory services approved by the council;
- (d) physiotherapists to manage physiotherapy services;
- (e) public health dental officers to manage common dental conditions approved by the council; or
- (f) any other professionals, as may be declared by the Minister, on the advice of the council.

101. Private practice without licence prohibited

(1) A person shall not engage in private practice as an allied health professional without a practising licence issued under this Act.

(2) A person who contravenes the provision of this section commits an offence.

102. Licensing of private practice

(1) A registered allied health professional may apply to the council for a licence to engage in private practice in the discipline of his or her area of specialisation.

(2) An application for a licence under subsection (1) shall be accompanied by a copy of the certificate of registration.

(3) The council may, if satisfied that the applicant possesses the relevant qualifications, authorise the granting a licence for private practice to the applicant subject to such conditions as the council may consider fit.

(4) A person shall not grant a licence for private practice under this section unless the council is satisfied that the applicant has for a period of not less than four years prior to the application under this section acquired experience by having rendered satisfactory service in full-time employment in a hospital or health unit approved by the council or has obtained equivalent experience in a similar institution.

(5) The licence for private practice granted under subsection (3) shall be valid for the calendar year in which it is issued and will be subject to renewal for one calendar year at a time.

(6) A licence renewed under subsection (5) shall not be issued subject to a condition which is less advantageous than that already attached unless the person concerned has been given an opportunity of being heard by the council.

(7) The decision of the council not to renew a licence for private practice under this Part or to attach further restrictive conditions for the registration shall be final.

103. Registration of allied health units

(1) Any person or body who or which intends to open a private allied health unit shall apply to the council for the registration of the unit.

(2) The council may, after making such inquiry as it considers necessary, and after receiving a fee determined by the council, authorise the registration of the specific allied health unit.

(3) Upon registration the unit, the council shall issue a licence to the applicant.

(4) The licence for the private allied health unit issued under subsection (3) shall be valid for the calendar year in which it is issued and is subject to renewal for one year at a time.

104. Allied health units to be published in Gazette

The council shall cause to be published in the Gazette soon after registration is authorised and a licence issued in respect of an allied health unit—

- (a) the name, address, qualifications and the date of registration of the allied health professional who is the owner of the unit;
- (b) the conditions, if any, attached to the licence; and
- (c) the name and address of the unit.

105. Operation of private health units

(1) A registered allied health professional who employs as his or her substitute a person who is not registered in the same discipline as oneself commits an offence.

(2) A registered allied health professional shall not at any time, except with a special licence or permission, engage in stockpiling, retailing or wholesaling of drugs at his or her allied health unit.

106. Inspection of health units

(1) The chief registrar or any allied health professional authorised by the council shall, for the purpose of certifying that the provisions of this Act are complied with, enter and inspect any unit with the assistance of a law enforcement officer where necessary.

(2) If in the opinion of the person who made the inspection any action against the unit is necessary, the person shall submit a report to that effect to the council within thirty days.

(3) On receipt of a report made under subsection (2), the council may, after making or causing to be made such inquiry as is considered necessary and after affording an opportunity to the owner of the unit to be heard, take action as it may consider fit.

107. Annual report by licensed person

(1) A person licensed under this Part shall, before the 31st day of January in each year, make and submit to the supervisory authority a report of his or her transactions and all the cases he or she attended in the preceding year where applicable.

(2) The licensed person shall make available to the supervisory authority, for inspection, all the registers and records made by him or her in the preceding year under subsection (1) in the preceding year.

(3) The supervisory authority shall, if satisfied with the transaction of the licensed person and the report made under subsection (1), issue a letter of competence to the licensed person.

(4) The licensed person shall, before the 31st day of January each year, present the letter of competence together with the application for renewal to the chief registrar for purposes of renewing of a practising licence.

Disciplinary Provisions

108. Disciplinary committee

(1) There shall be a disciplinary committee of the council which shall consist of—

- (a) the chairperson appointed by the council from among its members who shall preside at all meetings of the committee;
- (b) three members appointed by the council from among its members;
- (c) one person appointed by the council who shall be a person registered in the same discipline as the person whose conduct is the subject of an inquiry by the committee;
- (d) an advocate of not less than five years' standing appointed by the council;
- (e) a member of the Health Service Commission;
- (f) a supervisory authority from the area in which the person whose conduct is the subject of inquiry operates; and
- (g) the registrar, who shall also be a secretary to the committee.

(2) At the meeting of the disciplinary committee, five members, including the chairperson and a person registered in the same discipline as the person whose conduct is the subject of inquiry, shall form a quorum.

109. Inquiry by disciplinary committee

(1) Where the council receives an allegation which, if proved, would constitute a professional misconduct on the part of a person registered under this Act, it may refer the matter to the disciplinary committee to hold and inquire into the alleged misconduct.

(2) A meeting of the committee for the purpose of holding an inquiry under this section shall be convened by the chief registrar.

(3) At least twenty-eight days prior to the date fixed for an inquiry under this section, notice in writing and signed by the registrar shall be served personally on the professional who is the subject of inquiry or sent to that person by registered post at his or her last known address informing him or her of the time and place fixed for the inquiry and of the substance of the allegation made against him or her, accompanied, where practicable, by a copy of any document to be produced at the inquiry; and such document shall be available at all reasonable times before the inquiry for inspection by the person or his or her advocate.

(4) A professional who is subject to an inquiry shall be entitled to be present at the proceedings and, if he or she wishes, to be represented by an advocate.

(5) If at the time and place fixed for the inquiry the professional who is subject to an inquiry fails without reasonable excuse to appear and the committee is satisfied that the provisions of subsection (3) have been complied with, it shall be lawful for the committee to proceed with the inquiry as if the professional were present.

(6) An inquiry under this section shall be deemed to be a judicial proceeding for the purposes of sections 94 and 99 of the Penal Code Act.

110. Power to summon witnesses

(1) In any inquiry under section 109, the committee shall have the powers of the High Court to summon witnesses and to call for the production of books, plans and documents and to examine witnesses and parties on oath.

(2) Summons for the attendance of witnesses or other persons at any inquiry held under section 109 shall be signed by the chief registrar, and oaths and affirmations shall be authenticated at the inquiry by the person presiding over the committee.

111. Offences by witnesses

(1) A person who, having been served with summons to attend and give evidence or to produce any book, plan or document at any inquiry held under section 109—

- (a) fails without reasonable cause to obey the summons;
- (b) refuses without reasonable cause to answer questions put to him or her by or with the concurrence of the committee;
or
- (c) wilfully interrupts the proceedings of the committee or insults any member of the committee,

commits an offence.

(2) An inquiry under section 109 shall be deemed to be a suit or proceeding for the purposes of section 131 of the Evidence Act.

112. Disciplinary powers of committee

The committee after due inquiry made in accordance with this Act may recommend to the council for the removal of the name from the register of a professional who was the subject of the inquiry or order the suspension from practice of the professional for a period that it may deem fit.

113. Proceedings to be recorded

The proceedings of the committee at any inquiry under this Act shall be recorded in writing and signed by the person presiding over the committee and when recorded and signed shall be conclusive evidence of the finding and decision of the committee.

114. Notification of decision to person concerned

(1) Within three months after the conclusion of an inquiry, and the decision of the council, the registrar shall notify the person concerned, in writing, of the decision of the council.

(2) The council may direct, in a manner that it deems fit, the publication of a report and decision of any inquiry held by the committee.

115. Appeal from decision of council

(1) A person who is aggrieved by a decision of the council may, within one month from the notification to him or her of the decision, or within a further period that the High Court.

(2) Every appeal referred to under subsection (1) shall be by petition stating the facts and grounds of appeal, and a copy of the petition shall be served on the registrar.

(3) A professional whom the council has suspended from practice or whose name the council has recommended to be removed from the register shall be informed of his or her right to appeal to the High Court under subsection (1).

(4) On hearing any appeal under this section, the High Court may allow or dismiss the appeal or alter or vary the decision of the council or make any other order that may appear just.

(5) In all circumstances under subsection (4) the decision of the High Court shall be final

Miscellaneous Provisions

116. Change of practising venue

(1) A person registered under this Part who, having been practising in a place, ceases to practise in that place and commences to

practise in some other place shall, within seven days before commencing to practise, give notice accompanied by a recommendation from the supervising authority of the place where he or she was practising.

(2) A notice under subsection (1) shall contain particulars that may be required by rules made under this Part.

(3) A person registered under this Part who fails to comply with any of the provisions of this section commits an offence.

117. Additional qualifications

A person registered under this Act who has acquired additional qualifications approved by the council may, on the payment of a prescribed fee, have the additional qualification included in the register.

118. Supervisory authority

(1) The council may, in respect of any region, district or smaller area, appoint a senior registered professional to be the supervisory authority to any registered allied health profession.

(2) The supervisory authority shall have a duty—

- (a) to exercise general supervision over the allied health professionals in accordance with the rules made under this Act;
- (b) to investigate charges of malpractice, negligence or misconduct against a professional and make a full report to the disciplinary committee of the facts and circumstances of the charge;
- (c) to suspend from practice for a period not exceeding three months and in accordance with rules made under this Act, any professional if suspension appears necessary; and the authority shall immediately after the suspension make a report, including the circumstances and reasons of the suspension, to the disciplinary committee; or

- (d) to report to the disciplinary committee the name of any professional convicted of an offence and the nature of the offence committed as soon as possible after the conviction comes to the knowledge of the supervisory authority.

119. Notifications of death of professional

The supervisory authority appointed under section 118 shall, on receiving information of the death of a registered professional, notify the registrar in writing of the death.

120. Publication prima facie evidence

(1) The publication of any list in the Gazette under this Act shall be prima facie evidence that—

- (a) a person whose name appears therein is registered as indicated in the Gazette;
- (b) the allied health unit mentioned in the Gazette at the time of publication is duly registered under this Act; or
- (c) in the case of the absence of the name of any person or allied health unit from the relevant list, that the person or unit is not registered under this Act.

(2) A copy or extract from a register certified under the hand of the registrar shall be received in evidence without further proof unless the contrary is shown.

121. Charges

An allied health professional engaged in private practice under this Act may demand reasonable charges for the attendance on, treatment of or service rendered to any person under this Act and for any drugs supplied and shall be entitled to sue for or recover the same, with full costs, in any court of competent jurisdiction.

122. Regulations

(1) The Minister, may on the recommendation of the council, make regulations generally for better carrying into effect the provisions of this Part.

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

- (a) prescribe the fees;
- (b) prescribe the form of the registers to be kept under this Part;
- (c) prescribe the form of application and other requirements for the registration of a person under this Part; or
- (d) prescribe any other matter for the better carrying into effect the provisions of this Part.

123. Procuring registration by fraud

A person commits an offence who—

- (a) makes or produces or causes to be produced any false or fraudulent representation or declaration, whether verbally or in writing, while procuring or attempting to procure oneself or any other person to be registered under this Act; or
- (b) wilfully makes or causes to be made any false entry in the register.

124. Registered professional to undergo minimum continuing education

(1) Every registered allied health professional engaged in active public or private practice shall be required to have undergone minimum continuing education courses as prescribed by the council in order to remain on the register.

(2) The council may delegate the responsibility of arranging continuing education in subsection (1) to the Uganda Allied Health Professionals Association or any other professional association the council may deem fit.

(3) A practitioner's failure to satisfy the council that he or she has engaged in a minimum continuing education shall constitute grounds for the council to take disciplinary action.

125. Unregistered person passing off as registered

(1) A person not registered under this Act who holds himself or herself directly or indirectly as being registered or who does anything calculated to deceive commits an offence.

(2) A person who is not registered under this Act who practises for gain as an allied health professional commits an offence.

126. Offences and penalties

A person who commits an offence under this Part is liable on conviction to a fine of not less than three hundred currency points or to a term of imprisonment not exceeding three years or to both.

PART VI—REGULATION OF THE PHARMACY PROFESSION

Pharmaceutical Society of Uganda

127. Application

This Part applies to pharmacists in Uganda.

128. Establishment of society

(1) There shall be established a society to be known as the Pharmaceutical Society of Uganda.

(2) The council shall be the governing body of the society.

129. Incorporation of society

(1) The society shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The society may hold, acquire and dispose of any property, movable or immovable.

(3) The common seal of the society shall be kept in such custody as the council may determine, and shall not be affixed to any document or instrument except by order of the council, and in the presence of two members of the council who shall sign any such document or instrument independently of the signature of any person who may have signed the document or instrument as a witness.

130. Membership of society

(1) Subject to this section and section 131, a person who—

(a) passes the qualifying examinations for membership of the society approved by the council, and completes practical training of such description and for such period as may be prescribed by byelaws made by the council;

(b) holds a degree, diploma or other qualification awarded by a university or institution, approved by byelaws made by the council, denoting a standard which, in the opinion of the council, is not lower than that required under paragraph (a) of this subsection and completes practical training of such description and for such period as may be prescribed by byelaws made by the council; or

(c) is a member of any society or institute of pharmacists by whatever name called and approved by byelaws made by the council as being, in the opinion of the council, an association of equivalent status to the society, shall be eligible for membership of the society.

(2) Notwithstanding the approval of any society or institute mentioned in subsection (1)(c), the council may declare that any specified class or description of members of any such society or institute shall not be eligible for membership of the society.

(3) Byelaws made by the council prescribing practical training for the purposes of this section may contain such special provision as the council may deem expedient declaring that a person—

- (a) who had commenced, prior to the commencement of this Act, and completed or completes, whether prior to or after that date, training of such description and duration as may be specified in the byelaws; or
- (b) who has served in a post and who completes training of such description and duration as may be specified in the byelaws,

shall be deemed to have completed the training prescribed for the purposes of subsection (1)(a).

(4) Byelaws made by the council by which any society or institute is approved for the purposes of subsection (1)(c) may provide, as a condition of that approval, that a member of any such society or institute shall not be eligible for membership of the society unless he or she has undergone such practical training or has acquired such practical experience in the subject of pharmacy, as may be described in the byelaws.

131. General disqualifications

A person shall not be enrolled as a member or be a member of the society—

- (a) unless he or she—
 - (i) has attained the age of twenty-one years; and
 - (ii) has paid the prescribed fees;

- (b) if he or she—
 - (i) has been adjudged by a court to be of unsound mind; or
 - (ii) has been convicted by a court whether in Uganda or elsewhere of any offence involving fraud or dishonesty; or
- (c) if, having been adjudged an insolvent or bankrupt, he or she has not been granted by a court a certificate to the effect that his or her insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes.

132. Fees for membership

(1) Subject to section 131, a person who is eligible for membership of the society shall be enrolled as a member upon payment to the council of an entrance fee and an annual subscription fee prescribed by the council.

(2) A person shall pay the fees referred to subsection (1) shall be paid to the chief registrar of the council.

(3) All annual subscription fees payable under this section shall be due and payable on the first day of July in each year or, in the case of members admitted after that date, on the date of admission.

133. Style of members

(1) Every member of the society is entitled to take and use the title “Member of the Pharmaceutical Society” and shall have the right to use the expression “M.P.S.” after his or her name to indicate that he or she is such a member.

(2) A person, not being a member of the society, shall not take or use the title of “Member of the Pharmaceutical Society”.

134. Restrictions on use of pharmacist, pharmacy, etc

(1) A person who is not a pharmacist shall not describe himself or herself as, or otherwise hold himself or herself out to be, a pharmacist, or assume, take, exhibit or, in any way, make use of any title, emblem or description calculated to suggest that he or she is a pharmacist.

(2) A person shall not cause or permit any premises to be open to the public for the sale of drugs under the description “pharmacy”, “dispensary”, “chemist” or “drug store”, or any similar description, unless a pharmacist is on the premises and is supervising the activities carried on.

(3) For the purposes of this section, the use of any of the words “pharmacist”, “druggist”, “chemist”, “medical” or any similar word or combination of words in any language shall be deemed to suggest that the owner of the business and the person having control of the business on the premises are registered pharmacists.

135. Meetings of society

Meetings of members of the society shall be held in accordance with the provisions of Schedule 3 to this Act.

Registration, Discipline, Etc.

136. Registration of pharmacists

(1) The chief registrar shall make and keep a register of pharmacists in the form prescribed in regulations made under this Part.

(2) If, on application made in the prescribed manner by an individual, the council is satisfied that the applicant is of good character and that he or she is a member of the society, the council shall direct the chief registrar to enter the applicant’s name in the register.

(3) The registrar shall, on payment of the prescribed fee, enter the name in the register and shall issue to the applicant a certificate of registration.

(4) The certificate of registration shall be in the form prescribed in regulations made under this Part.

(5) A person whose name has previously been entered in the register shall not be entitled to make an application under subsection (2) if his or her certificate of registration—

- (a) was cancelled under section 139 (5) (c), unless a period of not less than one year has elapsed since notice of the cancellation was published in the Gazette; or
- (b) is suspended.

(6) Where, for any reason, a pharmacist ceases to be a member of the society, his or her name shall be deleted from the register.

137. Publication of list of pharmacists

(1) The chief registrar shall cause a list of all pharmacists whose names appear in the register on the 31st day of December in each year to be published in the Gazette during the following January.

(2) The chief registrar shall cause the names of all persons who are entered in or deleted from the register after January in each year to be published in the Gazette.

138. Disciplinary committee

For the purpose of disciplinary matters relating to the professional conduct of pharmacists, there shall be a committee of the council consisting of—

- (a) the member of the council, who shall be the chairperson; and

- (b) two pharmacists appointed by the society from among members of the society.

139. Disciplinary proceedings

(1) Where a complaint is made to the chief registrar, or he or she has otherwise reason to believe, that any of the following events have occurred in relation to a pharmacist—

- (a) that he or she has been convicted of an offence under this Act or any other Act; or
- (b) that he or she has been guilty of professional misconduct specified in the Schedule 4 to this Act,

the chief registrar shall take such steps as are practicable to verify the occurrence; and if, after consulting the chairperson of the disciplinary committee, he or she is of the opinion that there is cause for an inquiry by the disciplinary committee, he or she shall serve a written notice to that effect on the pharmacist and invite him or her to furnish, in writing within six weeks, such explanation as he or she may desire to make.

(2) Where the chief registrar serves a written notice on a pharmacist pursuant to subsection (1), he or she shall lay a copy of the notice, together with any explanation furnished by the pharmacist and all other relevant documents, before the disciplinary committee.

(3) Where, after considering the explanation, if any, furnished by the pharmacist in accordance with subsection (1), the disciplinary committee is of the opinion that there is cause for an inquiry, the council shall order an inquiry to be held.

(4) The chief registrar shall, by summons require the pharmacist, the complainant, if any, and any other person likely to give assistance to appear before the disciplinary committee.

(5) Where the disciplinary committee, after an inquiry under this section, is satisfied that a complaint made against the pharmacist has been proved, it may do any one or more of the following—

- (a) reprimand the pharmacist;
- (b) order the pharmacist to pay to the council a fine not exceeding two hundred currency points;
- (c) order the cancellation or suspension for a specified period of the pharmacist's certificate of registration,

and may in any case order any party to the proceedings at the inquiry to pay the whole or a part of the costs of any other party.

(6) Where a notice under subsection (1) is served on a pharmacist, the council may order that the pharmacist's certificate of registration be suspended until the conclusion of the proceedings against him or her.

(7) Where a complaint made under subsection (1) relates to a body corporate or to a partnership, the notice under that subsection may be served upon every person who was, at the time of the occurrence of the events out of which the complaint arose, a director, secretary or manager of the body corporate or, as the case may be, a partner in the firm.

140. Cancellation and suspension of registration

(1) Where the council orders a pharmacist's certificate of registration to be cancelled or suspended, the chief registrar shall—

- (a) serve on the pharmacist a written notice informing him or her of the order and requiring him or her to deliver up the certificate within twenty-one days of the date of service of the notice;

- (b) cause the notice of the cancellation or suspension to be published in the Gazette; and
 - (c) in the case of cancellation, delete the name of the pharmacist from the register; and on such deletion, the pharmacist shall cease to be a member of the society,
- but, if the case is one in which an appeal may be lodged, the chief registrar shall not take any action under this subsection until the time limited for giving notice of appeal has expired or, if an appeal is lodged, until it has been finally disposed of.

(2) When the period of suspension of a pharmacist's certificate of registration comes to an end, the registrar—

- (a) shall return the certificate to the pharmacist; and
- (b) shall cause notice of the ending of the suspension to be published in the Gazette.

141. Appeals to High Court

(1) Any pharmacist affected by and aggrieved by an order of the disciplinary committee may appeal, within one month after the date of the order, against that order to the High Court.

- (2) Every appeal under subsection (1)—
 - (a) shall be made by petition in writing;
 - (b) shall be heard and decided by a judge of the High Court after such summary inquiry as that judge may deem requisite to make.

Drugs Generally

142. Duty to supply drugs

If a pharmacist carrying on or employed in a pharmacy business is requested during normal business hours to dispense a valid prescription,

or to supply any drug to a registered medical practitioner, a veterinary surgeon or dentist for use in immediate treatment, he or she shall comply with the request unless there are reasonable grounds for his or her failing to do so.

143. Medical aid by pharmacists

(1) Notwithstanding any written law, a pharmacist may give medical, veterinary or dental advice or aid—

- (a) by way of first-aid in cases of accident; or
- (b) by way of first treatment in the case of simple ailments of common occurrence where it is not reasonably practicable for the patient to consult a medical practitioner, dentist or veterinary surgeon, as the case may be.

(2) Where advice or aid is given by a pharmacist in accordance with this section, nothing shall prevent the recovery by the pharmacist of a charge for medicine supplied by him or her.

PART VII – REPEALS AND SAVINGS

144. Repeal of Cap. 268, Cap. 272, Cap. 274 and Cap. 280

The Allied Health Professional Act, Cap. 268, the Medical and Dental Practitioners Act, Cap. 272, the Nurses and Midwives Act, Cap. 274 and Pharmacy and Drugs Act, Cap. 280 are repealed.

145. Savings for Cap. 268, Cap. 272, Cap. 274 and Cap. 280

(1) All valid licences or certificates of registration issued under the laws repealed in section 144 before the coming into force of this Act shall remain valid until their expiry or until revoked, annulled or replaced.

(2) Any inquiry or disciplinary proceedings commenced under the repealed Acts and ongoing at the commencement of this Act shall be continued as though the inquiry or proceedings were commenced under this Act.

(3) Members and staff of a Board, Council or Society established by the laws repealed in section 144, who are serving immediately before the commencement of this Act, shall be paid their terminal benefits in accordance with the terms and conditions of their service.

SCHEDULES

SCHEDULE 1

Section 1

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Sections 2(3) and 6

THE SEAL AND PROCEDURE OF MEETINGS OF THE COUNCIL

1. Seal of the council

(1) The seal of the council shall be kept under the custody of the chief registrar.

(2) The affixing of the seal of the council on any document shall be authenticated by the signature of the chairperson and the chief registrar, and their signatures shall not be required to be witnessed by any other person.

(3) A document purporting to be an instrument issued by the council and authenticated in the manner provided by subparagraph (2) shall be deemed to be a valid instrument and admissible in evidence without further proof unless the contrary is shown.

2. Vice chairperson

The members of the council shall elect one of their members to be the vice chairperson.

3. Meetings of the council

(1) The first meeting of the council shall be convened by the chairperson as soon as is practicable after the appointment of the council, and thereafter the council shall meet for transactions of business at such places and at such times as may be decided upon by the council; but in any case, the council shall meet at least once every three months.

(2) The chairperson or, in his or her absence, the vice chairperson, may at any time call a special meeting of the council, and shall call a special meeting upon a written request by a majority of the members of the council.

(3) The chairperson or, in his or her absence, the vice chairperson, shall preside at every meeting of the council; and in absence of both the chairperson and the vice chairperson, the members present may elect a member from among themselves to preside at that meeting.

4. Quorum

The quorum at a meeting of the council shall be a third of all the members.

5. Decisions of council

All questions proposed at a meeting of the council shall, subject to a quorum being present, be decided by a majority of the votes of the members present; and in the event of an equality of votes, the person presiding shall have a second or casting vote in addition to his or her deliberative vote.

6. Disclosure of interest

(1) A member of the council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the council shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the council.

(2) A disclosure of interest under subsection (1) shall be recorded in the minutes of the council; and the member making the disclosure shall not, unless the council otherwise determines in respect of that matter—

(a) be present during any deliberation of the matter by the council;
or

(b) take part in the decision of the council.

7. Minutes of meetings

The council shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the council at the next meeting and signed by the chairperson of the meeting.

8. Council may regulate its own proceedings.

Subject to this Act, the council may regulate its own proceedings.

SCHEDULE 3*Section 135***MEETINGS OF THE SOCIETY****1. Annual meeting**

(1) The annual meeting of the society for the transaction of the ordinary business of the society, namely—

- (a) the election of the treasurer and secretary of the society;
- (b) the appointment of auditors; and
- (c) the reception and consideration of the annual report of the council and accounts of the society with the auditors' report on the accounts,

shall be held on such date during the month of September and in such place in Uganda as the council may from time to time appoint; except that a meeting shall be held in each calendar year and not more than fifteen months shall elapse since the date of the previous meeting.

(2) The council shall after every four years elect at its annual general meeting the members of the council.

2. Special meeting

The council may, whenever it thinks fit, convene a special meeting of the society and shall do so within twenty-one days from the receipt by the secretary of a requisition in writing signed by not less than ten members and stating the object of the proposed meeting.

3. Notice of motion not related to business of annual meeting to be given

A member wishing to bring before the annual meeting any motion not related to the ordinary annual business of the society may do so, if—

- (a) notice in writing of the proposed motion is sent or given to the secretary and received by him or her not later than four weeks before the date of the annual meeting; and

- (b) the proposed motion relates to matters affecting the society or the profession of pharmacy.

4. Notice of meetings to be given to members

(1) The secretary shall, not less than fourteen days nor more than twenty-one days before any annual meeting or special meeting of the society, send to each member a notice giving the day, hour and place of the meeting and the business to be transacted at the meeting.

(2) In the case of an annual meeting, the secretary shall send to each member, together with the notice, a copy of the annual report of the council, a copy of the accounts of the society with the auditors' report on the accounts, a list of persons nominated or deemed to be nominated for membership of the council or as auditors, and particularly of all motions to be brought before the meeting under paragraph 3 of this Schedule.

(3) The non-receipt by any member of the notice or of any of the documents mentioned in this section shall not invalidate the proceedings of the meeting to which they relate.

5. Chairperson of meetings

(1) At all meetings of the society the president or, in his or her absence, the vice president shall preside.

(2) In the absence of both the president and vice president, a member of the society shall be elected from among the members of the council present to be chairperson.

6. Quorum

(1) Unless ten members are present at the annual meeting within thirty minutes after the time appointed for the meeting, the meeting shall stand adjourned for a fortnight to be held at the same hour and place or, if the place shall not then be available, at such other place as the council may determine.

(2) On the date to which the meeting was adjourned, the meeting shall proceed to business notwithstanding that there may be less than ten members present.

(3) At a special meeting, unless fifteen members are present within thirty minutes of the time appointed for the meeting, the meeting shall be dissolved.

7. Adjournment

(1) Subject to this Schedule, the chairperson of any meeting of the society may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

(2) No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(3) No notice need be given of an adjourned meeting unless it is so directed in the resolution for adjournment.

8. Voting

(1) Every resolution and amendment proposed and seconded at a meeting of the society shall be put to the meeting by the chairperson and decided by a show of hands; and in the event of an equality of votes, the person presiding shall have a casting vote.

(2) Subject to paragraph 9, the declaration of the person presiding as to the decision of the meeting shall be final.

9. Procedure where poll is demanded

(1) On such a declaration being made, a poll of all members may be demanded in writing by at least ten members present and entitled to vote at the meeting; but a poll shall not be taken on any resolution or amendment relating to the election of a chairperson, the appointment of scrutineers or the adjournment of a meeting.

(2) On a poll being demanded at a meeting of the society, the chairperson shall immediately, or as soon as is reasonably practicable after the conclusion of the meeting at which the poll is demanded, state the resolution or amendment in the form of propositions which in his or her opinion will be most suitable to ascertain the sense of the members upon the substance of the

resolution or amendment; and, upon the manner of so stating the resolution or amendment, the chairperson's decision shall be final.

(3) Voting papers setting out the propositions so stated, together with any necessary notes and directions shall, within fourteen days after the meeting, be issued by the council to all members entitled to vote at the meeting at which the poll was demanded.

(4) All members wishing to vote on the propositions or any of them shall do so by sending the voting papers to the society addressed to the scrutineers so as to be received by them not later than twenty-one days after the papers were distributed.

10. Appointment of scrutineers

At every meeting of the society at which a poll is demanded, the meeting shall appoint five of their number as scrutineers, any three of whom shall be competent to act.

11. Meeting of scrutineers

(1) Where a poll has been demanded, the scrutineers shall meet not less than twenty-one days nor more than twenty-nine days after the voting papers have been dispatched to members.

(2) Envelopes containing the voting papers may be opened only by the scrutineers at the meeting referred to in subparagraph (1).

(3) The scrutineers shall reject the vote of any member who, at the date of the meeting, was in arrears with any subscription or other sum payable by him or her under the Act or regulations made under the Act and may in their discretion reject any vote in which a member has failed to observe the notes and directions relating to that vote or any other vote which in their view ought properly to be rejected.

(4) The scrutineers shall, as soon as practicable, report the result of the voting to the chairperson of the meeting and shall include in the report a statement of the number of votes rejected by them and the reasons for the rejection.

(5) The chairperson shall send a copy of the report to each member as soon as practicable; and where there is an equality of votes, the chairperson shall have a casting vote, and, in such a case, shall declare, when so sending the report to members, the manner in which his or her casting vote is given and the result of the voting.

(6) The report of the scrutineers as to the result of the voting, or where given such declaration of the chairperson, shall be conclusive.

(7) The voting shall take effect from the date of the report of the scrutineers, except that where a meeting was adjourned to receive the report of the scrutineers, the voting shall take effect from the date when the report was presented to the adjourned meeting.

(8) Where for any reason a chairperson is unable to exercise any powers granted to him or her by this Schedule, the power shall be exercised by any member of the council who was present at the meeting and who is deputed by the council to exercise such powers.

12. Demand for poll not to prevent other business.

The demand for a poll at a meeting shall not prevent the transaction of any business other than that on which the poll has been demanded.

13. Minutes of meetings

Proper minutes shall be recorded of all resolutions and proceedings of meetings of the society, and every minute signed by the chairperson of the meeting to which it relates or by the chairperson of a subsequent meeting shall be sufficient evidence of the facts stated in it.

SCHEDULE 4*Section 139***PROFESSIONAL MISCONDUCT**

Any act or omission, contrary to the following, shall be regarded as professional misconduct:

- (1) A reasonable comprehensive pharmaceutical service shall be provided by every pharmacy.
- (2) The conditions in a pharmacy shall be such as will preclude avoidable risk of error or contamination in the preparation, dispensing and supply of medicines.
- (3) The appearance of a pharmacy shall reflect the professional character of the pharmacy.
- (4) The dispensing of medicines shall not be advertised whether directly or indirectly.
- (5) Names of substances and preparations in the authorised pharmacopoeia or names closely resembling them shall not be applied to substances of a different composition.
- (6) Labels, trademarks and other signs and symbols of contemporaries or their products shall not be imitated or copied.
- (7) No misleading or exaggerated claims shall be made for any medicinal product.
- (8) No advertising or display material shall be used in a pharmacy which the council considers undignified in style or content.
- (9) No substitution of articles or ingredients in a prescription may be made, except in cases of obvious error, without the prior authority of the prescriber.

- (10) A drug or medicine likely to cause addiction or other form of abuse shall not be supplied when there is reason to suppose that it is required for such purpose.
- (11) Drugs shall not be supplied to any person when there is reason to suppose that such drugs are destined for illicit channels or will be misused.
- (12) A pharmacist shall not disclose any information which he or she has acquired during his or her professional activities unless required by law to do so.
- (13) Articles or preparations which in the opinion of the council should be supplied only on the prescription of a medical practitioner, dentist, veterinary surgeon or veterinary practitioner may not be supplied otherwise after due notice has been given.
- (14) The society's emblem or devices resembling it shall not be used for business purposes.

Cross References

The Constitution

The Penal Code Act, Cap. 120.

The Public Finance and Management Act, 2015

The Registration of Persons Act, 2015

