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LAWS OF THE GAMBIA

**MEDICAL AND DENTAL  
PRACTITIONERS ACT**

CHAPTER 37:01

Act No.  
6 of 1988

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**Note  
on  
Repeal**

This Act repealed the Medical Practitioners and Dentists Act, 1906.

## CHAPTER 37:01

## MEDICAL AND DENTAL PRACTITIONERS ACT

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CHAPTER 37:01

MEDICAL AND DENTAL PRACTITIONERS ACT

An Act to make provision for the establishment of a Medical and Dental Council, for the Registration of Medical and Dental Practitioners; for the discipline of persons registered under the Act, and for connected matters.

[Act No. 6 of 1988.]

[Date of commencement: 30th May, 1988.]

PART I

*Preliminary*

1. Short title

This Act may be cited as the Medical and Dental Practitioners Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**Council**” means the Medical and Dental Council established under section 3 of this Act;

“**dental practitioner**” means a person who is qualified to practice the profession of dentistry and is registered in accordance with the provisions of this Act;

“**fully registered**”, in relation to a person, means a person whose name appears in any of the registers specified in sections 13 to 16 of this Act;

“**House Officer**” means a person whose name appears in the provisional register specified under section 17 of this Act;

“**medical practitioner**” means a person qualified to practise the profession of medicine and is registered in accordance with the provisions of this Act;

“**Minister**” means the Minister responsible for health;

“**register**” means any of the registers, specified in section 12 of this Act;

“**Registrar**” means the person elected Registrar under section 11 of this Act.

## PART II

*The Medical and Dental Council***3. Establishment of the Council**

(1) There is hereby established a council to be known as the Medical and Dental Council.

(2) The Council is a body corporate, having perpetual succession and a common seal with power to sue and be sued in its corporate name.

(3) The Council has the power to acquire, hold, manage and dispose of movable and immovable property.

**4. Duties of the Council**

(1) Subject to the provisions of this Act, the Council is responsible for regulating the profession and practice of medicine and dentistry.

(2) Without prejudice to the generality of subsection (1) of this section, the Council is responsible for—

- (a) determining the primary qualification and experience requisite for registration of medical and dental practitioners;
- (b) registering medical and dental practitioners;
- (c) promoting standards of professional conduct among medical and dental practitioners;
- (d) advising the Minister on matters relating to the practice of medicine and dentistry; and
- (e) all matters relating to discipline and breaches of professional conduct of persons registered under this Act.

(3) The Council shall also advise the Minister on any matter referred to it.

**5. Composition of the Council**

(1) The Council shall consist of the following—

- (a) the Director of Health Services or his or her representative;
- (b) three members nominated by the Minister (referred to in this Act as “nominated members”);
- (c) six members (referred to in this Act as “appointed members”) chosen by the bodies hereinafter mentioned.

(2) The nominated members shall consist of at least two persons who are neither registered nor holding any qualification registrable under this Act.

(3) Four of the appointed members shall be chosen by The Gambia Medical and Dental Association and the two remaining members who shall be citizens of The Gambia shall be chosen by the Local Chapter of the West African College of Physicians and the West African College of Surgeons, respectively.

(4) All members of the Council, except the Director of Health Services, shall hold office for three years but may be eligible for renomination or re-appointment, as the case may be, at the expiration of such term.

(5) A person shall not be capable of being chosen as an appointed member unless he or she is fully registered under this Act.

(6) If a member dies, resigns or is removed from the Council, a new member may be nominated or appointed, as the case may be, in his or her place for the remainder of his or her term of office.

(7) The nomination, appointment, resignation or removal of a person from the Council shall be notified in the *Gazette* by the Registrar.

#### **6. Chairperson of the Council**

(1) There shall be a Chairperson of the Council who shall be elected by the Council from among its numbers.

(2) The Chairperson shall be a fully registered person of not less than fifteen years standing.

(3) The Chairperson shall be elected for a period of three years.

#### **7. Meetings of the Council**

(1) The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or by any defect in the nomination or appointment of a member thereof.

(2) The quorum of the Council shall be five, of whom at least one member shall be a nominated member.

(3) The Council may, by standing orders, make provision as to the time and place of their meetings and the mode of summoning them and any such standing orders may be varied or revoked by a subsequent standing order of the Council.

(4) The Chairperson shall preside at all meetings at which he or she is present and in his or her absence the Council shall elect one of its members to preside.

(5) All acts of the Council shall be decided by a majority of the members present at any meeting and where there is an equality of votes, the Chairperson shall have a casting vote.

#### **8. Committees of the Council**

(1) The Council may constitute out of their membership one or more committees, and may delegate to them such of the Council's functions as it thinks fit.

(2) The quorum of any such committee shall be three.

**9. Officers of the Council**

- (1) The Registrar of the Council shall be the Secretary to the Council.
- (2) The Secretary shall keep a minute book in which shall be recorded all the minutes and transactions of the Council.
- (3) The Council may appoint a person to be the Treasurer of the Council and in default of such appointment, the Registrar shall be the Treasurer.
- (4) The Council shall appoint such other officers as may be necessary for the purposes of this Act.

**10. Expenses of the Council**

- (1) The moneys payable to the Council shall be deposited in a bank approved by the Council.
- (2) The funds of the Council shall be applied for expenses of registration and the execution of this Act.

## PART III

*Registrar, Registers and Procedure for Registration***11. Registrar and his or her duties**

- (1) The Council shall appoint a Registrar of the Council.
- (2) The Registrar shall be a person who is a qualified medical or dental practitioner of not less than ten years standing and who has been registered in the permanent register.
- (3) The permanent, temporary and provisional registers specified in section 12 of this Act shall, at all times, be kept in the custody of the Registrar.
- (4) The Registrar shall, at the direction of the Council, enter in the appropriate register, the names, addresses and qualifications of any person approved by the Council to practise the profession of medicine or dentistry.

**12. Registers**

- (1) There shall, for the purpose of registering persons qualified to practise the profession of medicine and dentistry in The Gambia, be kept and maintained by the Registrar, separate registers for medical and dental practitioners.
- (2) The Council shall, in its standing orders, prescribe the form of the registers specified below—
  - (a) a permanent register for medical practitioners;
  - (b) a permanent register for dental practitioners;



- (c) a temporary register for medical practitioners; and
- (d) a temporary register for dental practitioners.

(3) In addition to the registers referred to in subsection (1) of this section, there shall be kept and maintained by the Registrar, a provisional register for the registration of House Officers (Interns).

### **13. Registration of medical practitioners in the permanent register**

A citizen of The Gambia who, in the opinion of the Council, is of good character and satisfies the Council that he or she—

- (a) is in possession of a primary qualification in medicine granted by an institution in a Commonwealth country; or
- (b) is in possession of a primary qualification granted by an institution in any other country approved by the Council; and
- (c) is by law entitled to practise the profession of medicine in the country where he or she obtained his or her qualifications,

is entitled, on payment of the prescribed fee, to be registered in the permanent register for medical practitioners as a fully registered medical practitioner and to have his or her qualifications registered in the permanent register for medical practitioners.

### **14. Registration of dental practitioners in the permanent register**

A citizen of The Gambia who, in the opinion of the Council, is of good character and satisfies the Council that he or she—

- (a) is in possession of a primary qualification in dentistry granted by an institution in a Commonwealth country; or
- (b) is in possession of a primary qualification granted by an institution in any other country approved by the Council; and
- (c) is by law entitled to practise the profession of dentistry in the country where he or she obtained his or her qualifications,

is entitled, on the payment of the prescribed fee, to be registered in the permanent register for dental practitioners, as a fully registered dental practitioner and to have his or her qualifications registered in the permanent register for dental practitioners.

### **15. Registration of medical practitioners in the temporary register**

A person who is not a citizen of The Gambia, who satisfies the Council that he or she is of good character and possesses a qualification in medicine granted

by an institution in a country approved by the Council, is entitled to be registered in the temporary register for medical practitioners if he or she—

- (a) has received specific appointment to practice medicine with the Government;
- (b) has been engaged by a Missionary Society or an organisation recognised by the Government; or
- (c) has obtained the approval of the Minister, after consultation with the Council, to practise in an area designated by the Government as an under-doctored area.

#### **16. Registration of dental practitioners in the temporary register**

A person who is not a citizen of The Gambia, who satisfies the Council that he or she is of good character and possesses a qualification in dentistry granted by an institution in a country approved by the Council, is entitled to be registered in the temporary register for dental practitioners if he or she—

- (a) has received specific appointment to practice dentistry with the Government;
- (b) has been engaged by a Missionary Society or an organisation recognised by Government;
- (c) has obtained the approval of the Minister after consultation with the Council, to practice in an area designed by the Government as an under-doctored area.

#### **17. Provisional registration**

(1) A person who is in possession of a primary qualification in medicine or dentistry from an institution approved by the Council but does not otherwise qualify to be registered under this Act, is entitled on application to the Registrar, to be registered as a pre-registration House Officer in the provisional register for medical or dental practitioners as the case may be.

(2) Where a person is registered as a pre-registration House Officer under subsection (1) of this section, the person shall follow a course of rotation to the major sub-specialities of medicine or dentistry, as the case may be, prescribed by the Council for a period of not less than twelve months before applying for registration in the permanent or temporary register.

(3) At the end of the period of rotation specified in subsection (2) of this section, a House Officer shall submit to the Council, certificates of satisfactory tenure of apprenticeship in each section of the prescribed rotation issued by such supervisors as may be approved by the Council in each such section for the training of House Officers.

(4) The standard of competence required from a House Officer under this Act shall be such as reasonably guarantees the possession of the skills and knowledge requisite for the safe and ethical practice of medicine and dentistry.

#### **18. Registration of additional qualifications**

A person registered under section 12, 13 or 14 of this Act, who obtains additional qualifications, other than the qualification for which he or she was registered, from an institution in a country recognised by the Council, is entitled to have such additional qualifications registered.

#### **19. Engagement of medical and dental practitioners**

A person shall not be engaged by any person or organisation to practise the profession of medicine or dentistry in The Gambia, unless the person has been fully registered under this Act.

#### **20. Publication of list of registered medical and dental practitioners**

(1) The Registrar shall once in every two or three years, compile and publish a list of all persons registered under this Act, setting out the names, addresses and the medical and dental qualifications of all such persons, using such abbreviations as may be approved by the Council.

(2) A list published under subsection (1) of this section shall be *prima facie* evidence that the persons named therein are persons registered to practise the profession of medicine or dentistry in The Gambia.

(3) All registers and all copies thereof or extracts therefrom, certified under the hand of the Registrar, shall be receivable in evidence in all courts in The Gambia.

(4) The Registrar shall, if ordered by any court, produce or cause to be produced any register in his or her office without charging anything therefor unless the court otherwise directs.

#### **21. Procedure for registration**

(1) A person who possesses the qualification for registration specified under this Act and intends to practise the profession of medicine or dentistry in The Gambia, shall apply in writing to the Registrar, supporting his or her application with copies of certificates of qualification and evidence of registration from the country where the qualification was obtained, or where the person is seeking registration as a House Officer, the original certificate or alternative from the institution where he or she obtained his or her basic qualification.

(2) The Registrar shall submit the application to the relevant committee of the Council delegated with the responsibility of forwarding applications to the Council.

(3) The Council shall, on the recommendation of the committee referred to in subsection (1) of this section, consider the application, and either give its approval for the applicant to be registered, or decline to give its approval.

(4) The Registrar shall, not later than fourteen days after the Council's decision on any application, inform the applicant in writing of the decision of the Council.

(5) Where approval is given under this section, the Registrar shall, on receipt of the prescribed fee, enter the name, address and qualifications of the person in the appropriate register.

## **22. Appeal against refusal to register**

(1) A person who is aggrieved by a decision of the Council may, within twenty-one days of the date on which the decision is communicated to him or her, appeal to the High Court against the decision.

(2) The Council may appear as respondent to the appeal, and for the purpose of enabling any direction to be given as to costs of appeal, the Council shall be deemed to be a party thereto whether or not it appears at the hearing of the appeal.

(3) Subject to this section, the Chief Justice shall, by Order published in the *Gazette*, make rules for the purposes of this section.

## **23. Registration fee**

A person whose application for registration in any register has been approved by the Council shall, before his or her name is entered in the register, pay to the Registrar, such fees as may be prescribed by the Council.

## **24. Right to practice**

A person shall not practice as a medical or dental practitioner in The Gambia unless his or her name is entered in the permanent or temporary register.

## **25. Certificate invalid if not issued by fully registered person**

A certificate or other document required by law to be signed by a medical or dental practitioner is not be valid unless the person signing it is fully registered under this Act.

## **26. Recovery of fees**

A person is not entitled to recover any fees charged in any court of law for any medical or dental advice or attendance or for the performance of any operation or for any medicine which he or she either has prescribed or supplied or both

prescribed and supplied, unless he or she proves on the trial that he or she is fully registered or otherwise qualified to render the service under any other law in force.

**27. Medical and dental practitioner defined**

In any enactment, the expression “legally qualified medical or dental practitioner”, or “duly qualified medical or dental officer”, or “medical or dental practitioner”, or any expression importing a person recognised by law as a medical or dental practitioner or member of the medical or dental profession, shall be construed to mean a person whose name is entered in the permanent or temporary register, under this Act.

**28. Correction, alteration or removals from registers**

Where, in the opinion of the Council—

- (a) there has been an incorrect entry in a register;
- (b) it is necessary to make an alteration in the particulars of a person registered; or
- (c) it is necessary to remove the name of a person from any of the registers,

it shall direct the Registrar to make the correction, alteration or removal, as the case may be.

PART IV

*The Disciplinary Committee*

**29. Disciplinary Committee**

- (1) There shall be established a Disciplinary Committee of the Council.
- (2) The Disciplinary Committee shall be constituted as follows—
  - (a) the Chairperson of the Council who shall also be the Chairperson;
  - (b) four members of the Council of whom at least one member shall be a person not registrable under this Act; and
  - (c) the Registrar who shall be the Secretary to the Committee.
- (3) A person appointed to serve on the Disciplinary Committee shall hold office for a period of three years from the date of his or her appointment, but shall, at the expiration of his or her term of office, be eligible for re-appointment.
- (4) Where the Chairperson or any member of the Disciplinary Committee is, for any reason, unable to perform his or her duties, the Council shall appoint a person from among its members to act in the place of the Chairperson or member.

**30. Functions of the Disciplinary Committee**

The Disciplinary Committee shall meet as required, to attend to any matter relating to the professional conduct of persons registered under this Act and referred to it by the Council, and shall in particular—

- (a) hold an enquiry into any allegation of professional misconduct made against any member registered under this Act; or
- (b) direct an investigation into any alleged breaches of professional discipline involving any registered member; and
- (c) submit its findings and directions to the Council.

**31. Erasure from the register**

(1) If a registered person—

- (a) is convicted by any court of an offence involving moral turpitude, or an offence which, in the opinion of the Committee, is incompatible with the ethical practice of medicine or dentistry;
- (b) after due enquiry, is adjudged by the Disciplinary Committee to have been guilty of serious professional misconduct; or
- (c) is proved, to the satisfaction of the Disciplinary Committee, to have been fraudulently registered,

the Disciplinary Committee shall recommend to the Council that his or her name be erased from the register.

(2) The Council shall consider the recommendation and may—

- (a) in so doing, re-examine the evidence and allow the registered person whose name is recommended for erasure, to make an appeal to the Council if he or she so wishes; and
- (b) give such directions as it may think fit.

(3) A direction of the Council under this section shall take effect—

- (a) where no appeal under section 32 of this Act is brought against any findings or directions under this section, on the expiration of the time for appealing;
- (b) where an appeal lodged under section 32 of this Act is withdrawn or struck out, on the withdrawal or striking out of the appeal; or
- (c) where an appeal brought under section 32 of this Act is finally dismissed by the High Court.

**32. Appeals against Council's decision**

(1) When the Council, in pursuance of an enquiry under this Act, finds a person guilty, it shall cause a notice of the findings and the direction so given to be served on the person to whom it relates.

(2) The person on whom the notice is served may, within thirty days of the service of the notice, appeal to the High Court in accordance with such rules as the Chief Justice may, by Order published in the *Gazette* provide for the purposes of this section, against the findings and the direction so made.

(3) Where a person found guilty under this section appeals against the decision, the Council shall request the Registrar to suspend taking action on an appeal, until the appeal is finally disposed of.

(4) The Council may by counsel, appear as a respondent in an appeal, and for the purpose of enabling directions to be given as to costs of the appeal, the Council shall be deemed to be a party thereto, whether they appear at the hearing of the appeal or not.

### 33. Suspension from practice

(1) If a person registered under this Act—

- (a) is deemed to be in such a physical and mental state as to constitute a serious danger to himself or herself or to members of the public;
- (b) is the subject of an enquiry into allegations of serious breach of professional conduct; or
- (c) is proved after due enquiry to be guilty, after due warnings, of repeated acts of misdemeanours.

the Disciplinary Committee shall recommend to the Council that his or her name be suspended from the register for a specified period of not more than twelve calendar months.

(2) The Council acting on such recommendation may direct the Registrar to effect the suspension immediately.

### 34. Effects of erasure or suspension from the register

(1) Where the name of a person has been erased from the register under section 31 of this Act, the Disciplinary Committee may, if it thinks fit at any time, recommend to the Council for his or her name to be restored on the register on his or her application.

(2) A direction under section 33 of this Act for suspending a person's name from a register may prohibit an application under this section by that person until the expiration of such period from the date of the direction, as may be specified in the direction.

(3) The Council shall not entertain any application from a person whose name has been erased from the register under section 31 of this Act, within a period of two years from the date of the erasure.

**35. Proceedings of Disciplinary Committee**

The Council shall make rules as to the times and places of the meetings of the Disciplinary Committee, the mode of summoning the members, and on the advice of the Chief Justice, the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

**PART V***Miscellaneous***36. Legal Adviser to the Council and its committees**

At the request of the Council, the Attorney-General shall nominate a State Counsel of not less than five years standing to act as Legal Adviser to the Council and any committee of the Council.

**37. Transitional provisions**

(1) A citizen of The Gambia who, before the commencement of this Act, is registered to practice medicine or dentistry in The Gambia, shall within three months of the coming into force of this Act be entitled, on application to the Registrar, to be registered in the permanent register of medical practitioners or dentists, as the case may be.

(2) A person who is not a citizen of The Gambia and who, before the commencement of this Act, is registered to practice medicine or dentistry in The Gambia is, within three months of the coming into force of this Act, entitled on application to the Registrar, to be registered in the temporary register of medical or dental practitioners, as the case may be.

**38. Errors in a register**

An erasure shall not be made in any register, or certified copy of an extract thereof; but where an error occurs, a line of red ink shall be drawn through any word improperly inserted so as to leave the original word legible, and any word which may have been omitted shall either be interlined or written in the margin with red ink, and the Registrar shall subscribe his or her name in the margin opposite to the correction.

**39. Offences and penalties**

(1) A person who—

- (a) falsely pretends to be a medical or dental practitioner;
- (b) falsely takes or uses the name or title of medical or dental practitioner; or