# PARLIAMENT OF CEYLON

## 1st Session 1960-61

# AYURVEDA ACT,

# No. 31 of 1961

*Date of Assent : June 2, 1961*

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L. D.—O. 25/58.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A DEPARTMENT OF AYURVEDA; FOR THE REGISTRATION OF AYURVEDIC HOSPITALS, AYURVEDIC PHARMACIES, AYURVEDIC DISPENSARIES AND AYURVEDIC STORES, FOR THE ESTABLISHMENT OF AN AYURVEDIC MEDICAL COUNCIL TO REGISTER AYURVEDIC PRACTITIONERS, AYURVEDIC PHARMACISTS AND AYURVEDIC NURSES, AND DEAL WITH MATTERS RELATING TO THEIR PROFESSIONAL CONDUCT; FOR THE ESTABLISHMENT OF AN AYURVEDIC COLLEGE AND HOSPITAL BOARD TO DISCHARGE CERTAIN FUNCTIONS IN RELATION TO THE COLLEGE OF AYURVEDIC MEDICINE, THE CENTRAL HOSPITAL OF AYURVEDA AND THE PHARMACY, HERBARIUM AND DISPENSARY ATTACHED THERETO; FOR THE ESTABLISHMENT OF AN AYURVEDIC RESEARCH COMMITTEE TO DISCHARGE CERTAIN FUNCTIONS IN RELATION TO RESEARCH IN AYURVEDA; TO REPEAL THE INDIGENOUS MEDICINE ORDINANCE, NO. 17 OF 1941, AND THE AYURVEDIC MEDICAL COUNCIL ORDINANCE; TO MAKE CONSEQUENTIAL AMENDMENTS IN THE MEDICAL ORDINANCE, THE POISONS, OPIUM AND DANGEROUS DRUGS ORDINANCE, AND THE FOOD AND DRUGS ACT, NO. 25 OF 1949; AND TO MAKE PROVISION FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE AFORESAID MATTERS.

[Date of Assent: 2nd June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and date of operation.

**1.** This Act may be cited as the Ayurveda Act, No. 31 of 1961, and shall come into operation on such date (hereinafter referred to as the "appointed date") as may be appointed by the Minister by Order published in the *Gazette*.

## PART I.

### THE DEPARTMENT OF AYURVEDA.

A Department of Ayurveda to be established.

**2.** There shall be a Department of Ayurveda (hereinafter referred to as "the Department") to carry out the objects specified in section 7.

1—J. N. R. 15720—4,354 (2/61)

Appointment of the Commissioner for Ayurveda and other officers.

**3.** (1) There shall be appointed a person to be or to act as the Commissioner for Ayurveda (hereinafter referred to as " the Commissioner ") who shall be the Head of the Department.

(2) There may be appointed such number of Deputy Commissioners for Ayurveda, Assistant Commissioners for Ayurveda and other officers as may be necessary for the purpose of carrying out the objects specified in section 7.

Delegation of the Commissioner's powers and duties.

**4.** The Commissioner may delegate any of his powers or duties to any Deputy Commissioner for Ayurveda or Assistant Commissioner for Ayurveda.

Minister's power to authorise any officer to exercise or perform any power or duty of a Deputy Commissioner or an Assistant Commissioner for Ayurveda.

**5.** The Minister may, by Order published in the *Gazette*, authorise any officer of the Department to exercise or perform any power or duty of a Deputy Commissioner for Ayurveda or an Assistant Commissioner for Ayurveda.

Commissioner to be subject to directions of Minister.

**6.** In the exercise and performance of his powers and duties under this Act, the Commissioner shall be subject to such general or special directions as may be issued, from time to time, by the Minister.

Objects of the Department.

**7.** Subject to the availability of moneys granted from the Consolidated Fund of Ceylon, the Department shall be responsible for carrying out the following objects:—

(*a*) the provision of establishments and services necessary for the treatment of disease, and generally for the preservation and promotion of the health of the people according to ayurveda;

(*b*) the encouragement of the study of, and research in, ayurveda by the grant of scholarships and other facilities to persons employed or proposed to be employed in the Department and by the grant of financial aid and other assistance to institutions providing courses of study or engaged in research in ayurveda; and

(*c*) the taking, development or encouragement of measures for the investigation of disease, and for the improvement of public health, according to ayurveda.

## PART II.

### POWERS OF THE COMMISSIONER.

**8.** In carrying out the objects specified in section 7, the Commissioner may establish and maintain, or cause to be established or maintained, ayurvedic hospitals, ayurvedic pharmacies and herbariums, ayurvedic dispensaries and ayurvedic stores.

**Establishment and maintenance of ayurvedic hospitals, etc., by the Commissioner.**

**9.** In carrying out the objects specified in section 7, the Commissioner may, with the prior approval of the Minister, grant any sum out of moneys voted for the purpose by Parliament—

**Financial assistance by the Commissioner.**

(*a*) to the Ayurvedic Medical Council;

(*b*) to any institution established and maintained for the training of practitioners of ayurveda;

(*c*) to any institution referred to in section 8;

(*d*) to any other institution established and maintained for the promotion of ayurveda; and

(*e*) to any deserving person for the prosecution of his studies in ayurveda.

**10.** (1) On and after such date as may be appointed in that behalf by the Minister by Order published in the *Gazette*, no premises shall be used for the purpose of an ayurvedic hospital, ayurvedic pharmacy, ayurvedic dispensary or ayurvedic store, unless such premises are for the time being registered by the Commissioner as an ayurvedic hospital, ayurvedic pharmacy, ayurvedic dispensary or ayurvedic store, as the case may be, and the person carrying on such hospital, pharmacy, dispensary or store, in such premises is for the time being registered by the Commissioner as the proprietor thereof.

**Ayurvedic hospitals, pharmacies, dispensaries and stores to be registered.**

(2) The date appointed by Order published under sub-section (1) shall be a date not earlier than three months after the date of the publication of that Order.

(3) Where any premises are used for the purpose of an ayurvedic hospital, ayurvedic pharmacy, ayurvedic dispensary or ayurvedic store, in contravention of the provisions of sub-section (1), the person for the time being in charge of such hospital, pharmacy, dispensary or store, shall be guilty of an offence.

1*—J. N. R 15729 (2/61)

(4) Regulations may be made under this Act for or in respect of all or any of the following matters:—

(*a*) the making of applications for the registration of any premises as an ayurvedic hospital, ayurvedio pharmacy, ayurvedic dispensary or ayurvedic store;

(*b*) the form of such applications and the particulars to be contained therein;

(*c*) the fee to be charged for such registration;

(*d*) the period for which such registration shall be effective and the grant of certificates of renewal of such registration upon payment of the prescribed fee;

(*e*) the circumstances in which such registration may be refused or cancelled;

(*f*) the circumstances in which the renewal of such registration may be refused;

(*g*) appeals to the Minister against the refusal of applications for such registration or the renewal of such registration or against the cancellation of such registration and the finality of the decisions made by the Minister on such appeals;

(*h*) the conditions which shall be complied with in relation to registered ayurvedic hospitals, pharmacies, dispensaries and stores;

(*i*) the records and books which shall be kept and maintained in registered ayurvedic hospitals, pharmacies, dispensaries and stores;

(*j*) the returns to be furnished from time to time in respect of registered ayurvedic hospitals, pharmacies, dispensaries and stores, and the particulars to be contained therein, including particulars as to the number and description of cases admitted or treated and as to the staff employed therein;

(*k*) the rates of fees and charges which may be charged or made at registered ayurvedic hospitals, pharmacies, dispensaries and stores.

(*l*) the powers of entry into, and inspection of, registered ayurvedic hospitals, pharmacies, dispensaries and stores;

(*m*) the registers to be kept and maintained by the Commissioner for the purpose of the registration of ayurvedic hospitals, pharmacies, dispensaries and stores; and

(*n*) the proper maintenance and administration of registered ayurvedic hospitals, pharmacies, dispensaries and stores, and the health, safety and proper care and treatment of persons treated in such hospitals and dispensaries.

## PART III.

### THE AYURVEDIC MEDICAL COUNCIL.

**Constitution of the Ayurvedic Medical Council.**

**11.** (1) There shall be a Council which shall be called the Ayurvedic Medical Council, in this Part referred to as "the Council", and which shall, subject to the provisions of sub-section (2), consist of the following members:—

(*a*) the Commissioner;

(*b*) the Principal of the College of Ayurvedic Medicine;

(*c*) two members elected by the teachers of the College of Ayurvedic Medicine from themselves;

(*d*) one member elected by the teachers of each approved ayurvedic teaching institution from themselves;

(*e*) three members elected by the registered ayurvedic practitioners from themselves; and

(*f*) not more than ten members appointed by the Minister of whom—

(i) not more than three shall be so appointed from persons who are not registered ayurvedic practitioners,

(ii) at least three shall be so appointed from a panel of ten nominated by the All Ceylon Ayurvedic Practitioners' Congress, and

(iii) at least two shall be so appointed from registered ayurvedic practitioners who are not members of the All Ceylon Ayurvedic Practitioners' Congress.

(2) The Minister may, without assigning any reason, remove from office, by Order published in the *Gazette*, any member of the Council who is appointed by him.

(3) Any member of the Council removed from office by the Minister shall not be eligible for appointment or election as such member for a period of three years from the date of his removal.

(4) The Council may, from time to time, delegate any power, duty or function of the Council to a committee or committees consisting of members of the Council. Any such delegation may be made subject to such conditions or restrictions as the Council may deem necessary.

Term of office of members of the Council.

**12.** Each member of the Council, other than the Commissioner and the Principal of the College of Ayurvedic Medicine, shall, unless he vacates office earlier, hold office for a term of three years and shall be eligible for re-election or reappointment:

Provided that a person elected or appointed as a member of the Council in succession to any person who has ceased to be a member of the Council before the expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.

Vacation of office by members of Council.

**13.** (1) A member of the Council, other than the Commissioner and the Principal of the College of Ayurvedic Medicine, shall be deemed to have vacated office—

(*a*) where he is not a public officer, on sending his resignation in writing to the President of the Council;

(*b*) where he is not a public officer, on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council;

(*c*) where he is a member elected under paragraph (*c*) or paragraph (*d*) of sub-section (1) of section 11, on his ceasing to hold the post or office by virtue of which he was qualified for election as a member of the Council;

(*d*) where he is an appointed member, on his removal from office by the Minister;

(*e*) on his ceasing to be a registered ayurvedic practitioner, or on the taking effect of an order made by the Council under this Act suspending his registration as an ayurvedic practitioner;

(*f*) on his being convicted of any offence under the Penal Code; or

(*g*) on the expiry of his term of office.

(2) The Commissioner shall be deemed to have vacated office as a member of the Council on his ceasing to hold office as Commissioner.

(3) The Principal of the College of Ayurvedic Medicine shall be deemed to have vacated office as a member of the Council on his ceasing to hold office as Principal of the College of Ayurvedic Medicine.

**Filling up of vacancies.**

**14.** Any vacancy in the Council shall be filled by the election or appointment of a member, as the case may be, in accordance with the provisions of this Part.

**The President and the Vice-President of the Council.**

**15.** (1) The Commissioner shall be the President of the Council.

(2) The members of the Council shall elect from themselves a Vice-President of the Council.

(3) The President, and in his absence the Vice-President, of the Council shall preside at any meeting of the Council. Where neither the President nor the Vice-President of the Council is present at any meeting of the Council, the members of the Council attending that meeting shall elect from themselves a chairman for that meeting.

**Quorum.**

**16.** The quorum for a meeting of the Council shall be six.

**Regulation of procedure of the Council.**

**17.** Subject to the provisions of section 15, section 16 and section 44, the Council may regulate its own procedure.

The Council to be the authority responsible for the registration of ayurvedic practitioners, ayurvedic pharmacists and ayurvedic nurses, and the regulation and control of their professional conduct.

**18.** The Council shall, in accordance with the provisions of this Act, be the authority responsible for—

(*a*) recommending to the Minister whether any ayurvedic teaching institution should be approved by him for the purposes of this Act;

(*b*) the registration of persons as ayurvedic practitioners;

(*c*) the registration of persons as ayurvedic pharmacists;

(*d*) the registration of persons as ayurvedic nurses;

(*e*) the cancellation, or suspension, of such registration; and

(*f*) the making of rules for—

(i) the regulation and control of the professional conduct of ayurvedic practitioners, ayurvedic pharmacists, and ayurvedic nurses; and

(ii) any of the matters referred to in paragraphs (*b*) to (*e*) of this section.

Registrar and other officers and servants of the Council.

**19.** (1) The Council—

(*a*) shall appoint a Registrar of the Council who shall also act as Secretary of the Council; and

(*b*) may appoint such other officers and servants of the Council as may be necessary for carrying out the work of the Council.

(2) The officers and servants of the Council shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made by the Council under this Act.

(3) The Council may, in accordance with rules made by the Council under this Act, establish and regulate a provident fund for the benefit of its officers and servants and make contributions to such fund out of the funds of the Council.

The Council to be a body corporate.

**20.** (1) The members for the time being of the Council shall be a body corporate with the name of "The Ayurvedic Medical Council" and shall have

perpetual succession and may sue and be sued in such name and adopt, alter and use a corporate seal which shall be judicially noticed.

(2) The Council may acquire and hold any movable or immovable property and dispose of any of its properties and enter into contracts and do all such other acts as may be necessary for the exercise of its powers and the discharge of its functions and duties.

**Funds of the Council.**

**21.** (1) Such sums as may, from time to time,—

(*a*) be granted for the purposes of the Council by the Commissioner under this Act, or

(*b*) be paid to, or recovered by, the Council as fees under this Act,

shall form part of the funds of the Council.

(2) There shall be paid out of the funds of the Council—

(*a*) the remuneration payable under section 45 to members of the Council for attendance at meetings of the Council, and to the officers and servants of the Council; and

(*b*) all other expenditure incurred by the Council in the exercise of its powers and the discharge of its functions and duties under this Act.

## PART IV.

### THE AYURVEDIC COLLEGE AND HOSPITAL BOARD.

**The Ayurvedic College and Hospital Board**

**22.** (1) There shall be a Board which shall be called the Ayurvedic College and Hospital Board, hereafter in this Part referred to as " the Board ", and which shall consist of—

(*a*) the Commissioner;

(*b*) the Principal of the College of Ayurvedic Medicine;

(*c*) the Medical Superintendent of the Central Hospital of Ayurveda;

(*d*) an officer of the Department of Education appointed by the Minister on the recommendation of the Minister of Education;

(*e*) one member appointed by the Minister from the teachers of the College of Ayurvedic Medicine;

(*f*) two members elected by the teachers of the College of Ayurvedic Medicine from themselves;

(*g*) one member appointed by the Minister from the teachers of approved Ayurvedic teaching institutions;

(*h*) two members elected by the holders of diplomas granted or recognized by the Board of Indigenous Medicine, or by the Ayurvedic College and Hospital Board, from themselves;

(*i*) not more than four members appointed by the Minister from the registered ayurvedic practitioners of whom not more than two shall be so appointed from a panel of six nominated by the All Ceylon Ayurvedic Practitioners' Congress; and

(*j*) two members appointed by the Minister from persons who are not registered ayurvedic practitioners.

(2) The Minister may, without assigning any reason, remove from office, by Order published in the *Gazette*, any member of the Board who is appointed by him:

Provided that no member of the Board appointed by the Minister on the recommendation of the Minister of Education shall be removed from office except with the concurrence of the Minister of Education.

(3) Any member of the Board removed from office by the Minister shall not be eligible for appointment or election as such member for a period of three years from the date of his removal.

Term of office of members of the Board.

**23.** Each member of the Board, other than the Commissioner, the Principal of the College of Ayurvedic Medicine and the Medical Superintendent of the Central Hospital of Ayurveda, shall, unless he vacates his office earlier, hold office for a term of three years and shall be eligible for re-election or re-appointment:

Provided that a person elected or appointed as a member of the Board in succession to any person who has ceased to be a member of the Board before the

expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.

**Vacation of office by members of the Board.**

**24.** (1) A member of the Board, other than the Commissioner, the Principal of the College of Ayurvedic Medicine and the Medical Superintendent of the Central Hospital of Ayurveda, shall be deemed to have vacated office—

(*a*) where he is not a public officer, on sending his resignation in writing to the Chairman of the Board; or

(*b*) where he is not a public officer, on his absence without excuse sufficient in the opinion of the Board from three consecutive meetings of the Board;

(*c*) where he is an elected member, on his ceasing to hold the post or office by virtue of which he was qualified for election as a member of the Board;

(*d*) where he is an appointed member, on his removal from office by the Minister;

(*e*) where he is a member appointed under paragraph (*d*) of sub-section (1) of section 22, on his ceasing to be an officer of the Department of Education;

(*f*) where he is a member appointed under paragraph (*e*) or paragraph (*f*) or paragraph (*g*) of sub-section (1) of section 22, on his ceasing to hold the post or office by virtue of which he was qualified for appointment under that paragraph as a member of the Board; or

(*g*) on the expiry of his term of office.

(2) The Commissioner shall be deemed to have vacated the office of a member of the Board on his ceasing to hold the office of Commissioner.

(3) The Principal of the College of Ayurvedic Medicine shall be deemed to have vacated office as a member of the Board on his ceasing to hold the office of Principal of the College of Ayurvedic Medicine.

(4) The Medical Superintendent of the Central Hospital of Ayurveda shall be deemed to have vacated office as a member of the Board on his ceasing to hold the office of Medical Superintendent of the Central Hospital of Ayurveda.

Filling up of vacancies.

**25.** Any vacancy in the Board shall be filled by the election or appointment of a member, as the case may be, in accordance with the provisions of this Part.

Chairman of the Board.

**26.** (1) The Commissioner shall be the Chairman of the Board.

(2) The Chairman of the Board shall preside at any meeting of the Board. In the absence of the Chairman from any meeting of the Board, the members of the Board attending that meeting shall elect from themselves a chairman for that meeting.

Quorum.

**27.** The quorum for a meeting of the Board shall be six.

Regulation of proceedings of the Board.

**28.** Subject to the provisions of section 26, section 27 and section 44, the Board shall regulate its own procedure.

Delegation of powers, functions or duties of the Board to Committees.

**29.** The Board may, from time to time, delegate any power, function or duty of the Board to a committee or committees consisting of members of the Board. Any such delegation may be made subject to such conditions or restrictions as the Board may deem necessary.

Powers of the Board.

**30.** The Board shall have the following powers:—

(*a*) to determine the courses of instruction to be given to students admitted to the College of Ayurvedic Medicine, hereafter in this Part referred to as " the College ";

(*b*) to determine and hold examinations for students of the College;

(*c*) to determine the diplomas to be granted by the Council and the conditions to be fulfilled for qualifying for the award of such diplomas;

(*d*) to determine and hold external examinations for enabling persons who are not students of the College to obtain diplomas of the Council, and to make such rules as are necessary for that purpose;

(*e*) to institute and award exhibitions, bursaries, medals and other prizes to students of the College;

(*f*) to regulate and control the admission of students to the College;

(*g*) to regulate the residence, discipline, and moral, mental and physical well-being of the students of the College;

(*h*) to appoint examiners for the examinations held by the Council;

(*i*) to make recommendations to the Minister as to the fees to be paid to such examiners;

(*j*) to make recommendations to the Minister as to the administration of the College and, in particular, as to the fees to be charged for admission to the College;

(*k*) to grant diplomas or degrees *honoris causa;* and

(*l*) to make recommendations to the Minister as to the administration of the Central Hospital of Ayurveda, and, in particular, as to the charges to be made in respect of patients admitted to that Hospital.

**31.** There shall be appointed a Registrar of the College who shall also act as the Secretary of the Board. Registrar of the College.

**32.** The remuneration payable under section 45 to members of the Board for attendance at meetings of the Board, and all other expenditure incurred by the Board in the exercise of its powers and the discharge of its functions and duties under this Act, shall be paid out of the moneys voted for the purpose by Parliament. Expenditure of the Board.

## PART V.

### THE AYURVEDIC RESEARCH COMMITTEE.

**33.** (1) There shall be a Committee which shall be called the Ayurvedic Research Committee, hereafter in this Part referred to as " the Committee ", and which shall consist of the Commissioner, and nine other members appointed by the Minister of whom one shall be from the teaching staff of the College of Ayurvedic Medicine and another shall be from the regular medical staff of the Central Hospital of Ayurveda. Constitution of the Ayurvedic Research Committee.

(2) The Minister may, without assigning any reason, remove from office, by Order published in the *Gazette*, any member of the Committee who is appointed by him.

**34.** Each member of the Committee, other than the Commissioner, shall, unless he vacates his office earlier, hold office for a term of three years and shall be eligible for re-appointment: Tenure of office of members of the Committee.

Provided that a person appointed as a member of the Committee in succession to any person who has ceased to be a member of the Committee before the expiry of his term of office shall, unless he vacates office earlier, hold office for the unexpired part of the term of office of the member whom he succeeds.

Vacation of office by members of the Committee.

**35.** (1) A member of the Committee, other than the Commissioner, shall be deemed to have vacated office—

(*a*) where he is not a public officer, on sending his resignation in writing to the Minister;

(*b*) where he is not a public officer, on his absence without excuse sufficient in the opinion of the Committee from three consecutive meetings of the Committee;

(*c*) on his removal from office by the Minister; or

(*d*) on the expiry of his term of office.

(2) The Commissioner shall be deemed to have vacated the office of a member of the Committee on his ceasing to hold the office of Commissioner.

Filling up of vacancies.

**36.** Any vacancy in the Committee shall be filled by the appointment of a member in accordance with the provisions of this Part.

Chairman of the Committee.

**37.** (1) The Commissioner shall be the Chairman of the Committee.

(2) The Chairman of the Committee shall preside at any meeting of the Committee. In the absence of the Chairman from any meeting of the Committee, the members of the Committee attending that meeting shall elect from themselves a chairman for that meeting.

Quorum.

**38.** The quorum for a meeting of the Committee shall be three.

Regulation of proceedings of the Committee.

**39.** Subject to the provisions of section 37, section 38 and section 44, the Committee shall regulate its own procedure.

Expenditure of the Committee.

**40.** The remuneration payable under section 45 to members of the Committee for attendance at meetings of the Committee, and all other expenditure incurred by the Committee in the exercise of its powers and the discharge of its functions and duties under this Act, shall be paid out of such moneys as may be voted for the purpose by Parliament.

**41.** (1) It shall be the duty of the Committee to advise the Minister as to the carrying out of research in all branches of ayurveda with a view to the promotion of its development, and, in particular, as to the carrying out of research in respect of the following matters:— Duties of the Committee.

(*a*) ayurvedic literature;

(*b*) fundamentals in ayurvedic doctrine;

(*c*) ayurvedic clinical treatment; and

(*d*) ayurvedic drugs, pharmacology and pharmacopoeia.

(2) It shall be the duty of the Committee to carry out all such directions as may be issued to the Committee by the Minister in respect of the following matters:—

(*a*) the maintenance of libraries, museums, herbariums, laboratories, or other institutions;

(*b*) the publication of ayurvedic manuscripts, ayurvedic text-books and other ayurvedic journals or papers;

(*c*) the compilation and publication of an ayurvedic pharmacopoeia;

(*d*) the standardisation of ayurvedic drugs;

(*e*) all such other matters as may be necessary for the performance of the duties specified in sub-section (1).

## PART VI.

### SPECIAL PROVISIONS APPLICABLE TO BODIES ESTABLISHED UNDER THIS ACT.

**42.** In this Part, unless the context otherwise requires, the expression " Body " means any Council, Board, or Committee, established under this Act. Definition of the expression " Body " for the purposes of this Part.

**43.** A Body shall, in the exercise of its powers and the discharge of its functions and duties under this Act, be subject to such general or special directions as may be issued, from time to time, by the Minister. A Body to be subject to general and special directions of the Minister.

**44.** (1) Every question which comes up for consideration before a Body shall be dealt with at a meeting of the Body and shall be determined by the majority of the members of the Body present and voting. Proceedings of any Body.

(2) In the event of an equality of votes on any question considered at a meeting of a Body, the Chairman of that meeting shall have a casting vote in addition to his original vote.

(3) All acts done at any meeting of a Body shall, notwithstanding that it be afterwards discovered that there was some defect in the election or appointment of any member thereof or that any such member was disqualified, be as valid as if every such member had been duly elected or appointed and was qualified to be such member.

(4) No act or proceeding of a Body shall be invalidated by reason only of any vacancy in the Body.

Remuneration for attendance at a meeting of a Body.

**45.** The members of a Body shall be paid such remuneration for attendance at meetings of the Body as may be determined by the Minister with the concurrence of the Minister of Finance.

Protection for action taken under this Act or on the direction of a Body.

**46.** No suit or prosecution shall lie—

(*a*) against a Body for any act which in good faith is done or purports to be done by the Body under this Act; and

(*b*) against any member, officer, servant or agent of the Body for any act which in good faith is done or purports to be done by him under this Act or on the direction of the Body.

No writ to issue against person or property of a member of a Body.

**47.** No writ against person or property shall be issued against a member of a Body in any action brought against the Body.

A Body deemed to be a Scheduled Institution within the meaning of the Bribery Act.

**48.** A Body shall be deemed to be a Scheduled institution within the meaning of the Bribery Act, No. 11 of 1954, and the provisions of that Act shall be construed accordingly.

Power of a Body to make rules.

**49.** (1) A Body may make rules in respect of all or any of the following matters:—

(*a*) the matters in respect of which the Body is required or authorised to make rules under any other provision of this Act;

(*b*) the meetings of the Body and the procedure to be followed at such meetings; and

(*c*) any other matter connected with the affairs of the Body.

(2) No rule made by a Body under this Act shall have effect until it is approved by the Minister and published in the *Gazette*.

(3) The Minister shall not, without the prior concurrence of the Minister of Finance, approve any rule made by the Ayurvedic Medical Council in respect of any matter referred to in sub-section (2) or sub-section (3) of section 19.

## PART VII.

### REGISTRATION OF AYURVEDIC PRACTITIONERS, PHARMACISTS AND NURSES.

Definition of certain expression for the purposes of this Part.

**50.** In this Part—

(*a*) " the Council " means the Ayurvedic Medical Council; and

(*b*) " the Registrar " means the Registrar of the Council.

Registers.

**51.** (1) The Council shall keep and maintain—

(*a*) a general register and a special register for the registration of ayurvedic practitioners;

(*b*) a register for the registration of ayurvedic pharmacists; and

(*c*) a register for the registration of ayurvedic nurses.

(2) The Registrar shall be the officer of the Council responsible for keeping and maintaining the registers referred to in sub-section (1).

(3) With effect from the appointed date, the property in the general register, and the special register, of practitioners of indigenous medicine maintained by the Board of Indigenous Medicine shall vest in the Council, and such general register shall be deemed to be a general register of ayurvedic practitioners maintained by the Council under this Act, and such special register shall be deemed to be a special register of ayurvedic practitioners maintained by the Council under this Act.

Applications for registration as ayurvedic practitioners.

**52.** (1) Every application for registration as an ayurvedic practitioner in the general register or the special register shall be made in writing to the Council through the Registrar in such form as may be prescribed by rules made by the Council under this Act.

(2) An application for registration as an ayurvedic practitioner in the general register shall not be refused by the Council except—

(*a*) on the ground that the applicant is not entitled to such registration under sub-section (1) of section 55, or

(*b*) on any ground specified in sub-section (1) of section 57.

(3) An application for a registration as an ayurvedic practitioner in the special register shall not be refused by the Council except—

(*a*) on the ground that the applicant is not entitled to such registration under sub-section (2) of section 55, or

(*b*) on any ground specified in sub-section (1) of section 57.

(4) An application may be made for registration as an ayurvedic practitioner in both the general register and the special register.

Applications for registration as ayurvedic pharmacists and ayurvedic nurses.

**53.** (1) Every application for registration as an ayurvedic pharmacist or ayurvedic nurse shall be made in writing to the Council through the Registrar in such form as may be prescribed by rules made by the Council under this Act.

(2) An application for registration as an ayurvedic pharmacist or ayurvedic nurse shall not be refused by the Council except—

(*a*) on the ground that the applicant is not entitled to such registration under section 56, or

(*b*) on any ground specified in sub-section (1) of section 57.

Applications for registration by persons whose registration has been previously cancelled.

**54.** An application for registration as an ayurvedic practitioner or ayurvedic pharmacist may be made by any person whose registration as such practitioner or pharmacist, as the case may be, has been previously cancelled by the Council, and the Council may entertain such application and dispose of it in accordance with the provisions of this Part.

**55.** (1) No person shall be entitled to be registered in the general register as an ayurvedic practitioner unless he— Qualifications for registration as an ayurvedic practitioner.

(*a*) is a citizen of Ceylon; and

(*b*) is the holder of a diploma granted by the Board of Indigenous Medicine, or a certificate issued on or before the appointed date, by the Ayurvedic Medical Council under the Ayurvedic Medical Council Ordinance; or

(*c*) is the holder of a diploma granted by the Ayurvedic College and Hospital Board established under this Act; or

(*d*) is the holder of a diploma granted by any other institution in Ceylon or India which has been declared to be an approved institution for the purposes of this section by the Minister by Order published in the *Gazette;* or

(*e*) satisfies the Council that he possesses sufficient knowledge, experience and skill for the efficient practice of ayurveda.

(2) No person shall be entitled to be registered in the special register as an ayurvedic practitioner unless he—

(*a*) is a citizen of Ceylon; and

(*b*) satisfies the Council that he possesses a special knowledge and sufficient experience and skill in any particular branch of ayurveda:

Provided, however, that from such date as may be appointed by the Minister no person shall be entitled to be registered in the special register unless, in addition to satisfying the requirements of paragraph (*a*) and paragraph (*b*), he is registered in the general register as an ayurvedic practitioner.

**56.** No person shall be entitled to be registered as an ayurvedic pharmacist or ayurvedic nurse unless he— Qualifications for registration as an ayurvedic pharmacist or ayurvedic nurse.

(*a*) is a citizen of Ceylon; and

(*b*) satisfies the Council that he possesses sufficient knowledge, experience and skill for the efficient practice of ayurvedic pharmacy or ayurvedic nursing, as the case may be.

Grounds on which registration may be refused, cancelled or suspended.

**57.** (1) The Council may, by order, refuse the application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist, ayurvedic nurse, or cancel, or suspend for a specified period, the registration of any person as such practitioner or pharmacist or nurse on any of the following grounds:—

(*a*) that he has been convicted by a competent court of any offence which shows him to be unfit to be such practitioner or pharmacist or nurse; or

(*b*) that he has been guilty of any misconduct in his capacity as such practitioner or pharmacist or nurse; or

(*c*) that he has been deprived of any diploma or certificate which has constituted the qualification for such registration.

(2) When any proceedings have been instituted before a court against any person who is a registered ayurvedic practitioner or registered ayurvedic pharmacist or registered ayurvedic nurse, in respect of any offence referred to in paragraph (*a*) of sub-section (1), the Council may, by order, suspend the registration of that person as such practitioner, pharmacist or nurse, as the case may be, until a final judgment, order or other determination is made or entered by such court in those proceedings.

(3) Where a person is registered as an ayurvedic practitioner in both the general register and the special register, the Council shall, if his registration in the general register is cancelled, by order cancel his registration in the special register.

(4) No order of refusal, cancellation or suspension shall be made by the Council under sub-section (1) or sub-section (2) or sub-section (3) in respect of any person until such person has been given an opportunity of being heard against the making of such order. At any such hearing—

(*a*) the Council may employ the services of a lawyer to lead the evidence and present the case against such person and of another lawyer to advise the Council and to act as judicial assessor; and

(*b*) such person may employ the services of a lawyer to lead evidence on his behalf and present his case.

(5) No order of refusal, cancellation or suspension made by the Council under sub-section (1) or sub-section (2) or sub-section (3) in respect of any person shall take effect until the expiry of the period within which an appeal may be preferred against it to the Minister under section 63, and, in the event of an appeal being duly preferred against it to the Minister under that section, unless and until the order is confirmed in appeal.

Service of copies of orders made by the Council.

**58.** A copy of an order made by the Council allowing or refusing an application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, or cancelling or suspending the registration of any person as such practitioner, pharmacist or nurse, shall be sent by registered post to such person by the Registrar.

Effect of orders made by the Council and duty of Registrar to give effect to such orders.

**59.** (1) An order made by the Council allowing the application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, shall take effect on the date specified in the order, and shall entitle that person to be registered, with effect from that date, in the appropriate register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses, as the case may be. It shall be the duty of the Registrar, subject to the provisions of sub-section (2) of section 60, to enter the name of, and such particulars as may be prescribed by rules made by the Council under this Act relating to, such person in such register.

(2) Where an order made by the Council cancelling the registration of any person as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse takes effect, it shall be the duty of the Registrar to remove the name and particulars of that person from the register of ayurvedic practitioners, the register of ayurvedic pharmacists, or the register of ayurvedic nurses, as the case may be.

(3) Where an order made by the Council suspending the registration of any person as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse takes effect, he shall not exercise or enjoy, during the period of such suspension, the rights and privileges conferred by this Act on a registered ayurvedic practitioner, registered ayurvedic pharmacist or registered ayurvedic nurse, as the case may be.

Registration fee.

**60.** (1) The fee for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse shall be such sum as may be prescribed by rules made by the Council under this Act.

(2) The Registrar shall not register the name of any person in the register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses until the fee for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, as the case may be, is paid by that person.

Certificate of registration.

**61.** Where a person is registered as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, the Registrar shall send by registered post to such person a certificate of registration in such form as may be prescribed by rules made by the Council under this Act.

Insertion of additional qualifications in the registers.

**62.** Where a registered ayurvedic practitioner, registered ayurvedic pharmacist or registered ayurvedic nurse obtains any recognised qualification relating to his profession which is not specified in the register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses, as the case may be, in respect of him, such person shall be entitled, on payment of such fee as may be prescribed by rules made by the Council under this Act, to have such new qualification inserted in that register in respect of him.

In this section, " recognised qualification " means any qualification recognised for the purpose of this Act by the Ayurvedic Medical Council.

Appeals.

**63.** (1) Where an order is made by the Council under this Part refusing the application of any person for registration as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse, or cancelling or suspending such registration, such person may, within fourteen days after the communication of that order to him, appeal against that order to the Minister.

(2) Upon the hearing of any appeal preferred under sub-section (1), the Minister shall, after hearing any representations or evidence that may be adduced by or on behalf of the appellant or of the Council, give such decision not inconsistent with any provision of this Act upon the appeal as to the Minister may seem just.

(3) The decision of the Minister on any appeal preferred under sub-section (1) shall be final and conclusive, and in any case where such decision is that an application for the registration of any person as an ayurvedic practitioner, ayurvedic pharmacist or ayurvedic nurse shall be allowed, it shall be the duty of the Registrar, subject to the provisions of sub-section (2) of section 60, to enter the name of, and such particulars as may be prescribed by rules made by the Council under this Act relating to, that person in the register of ayurvedic practitioners, the register of ayurvedic pharmacists or the register of ayurvedic nurses, as the case may be.

Use of the title " Vaidyacarya ".

**64.** (1) A registered ayurvedic practitioner, and no other person, shall be entitled to use the title " Vaidyacarya " either before or after his name.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence.

Meaning of " legally or duly qualified practitioner of ayurveda ".

**65.** For the purposes of any written law, a registered ayurvedic practitioner shall be deemed to be a legally or duly qualified practitioner of ayurveda.

Meaning of " legally or duly qualified ayurvedic pharmacist ".

**66.** For the purposes of any written law, a registered ayurvedic pharmacist shall be deemed to be a legally or duly qualified ayurvedic pharmacist.

Privileges of registered ayurvedic practitioners.

**67.** (1) Every registered ayurvedic practitioner shall be entitled to practise ayurveda.

(2) Every registered ayurvedic practitioner shall be entitled to sue for and recover in due course of law by action in a court of competent jurisdiction any reasonable sum claimed by him as—

(*a*) fees for any services rendered or advice given or work done in his professional capacity;

(*b*) charges for any medicines, medicinal preparations or appliances or medicated articles of food or drink, supplied by him; or

(*c*) expenses incurred by him in connection with or for the purposes of the medical treatment of any patient.

Disabilities of unregistered ayurvedic practitioners.

**68.** No person who is not a registered ayurvedic practitioner shall be entitled to institute or maintain an action-at-law in any court for the recovery of any fees, charges or expenses of any description referred to in sub-section (2) of section 67.

Pretence to be a registered ayurvedic practitioner, or practising for gain as an ayurvedic practitioner when not registered to be an offence.

**69.** (1) A person who, not being a registered ayurvedic practitioner,—

(*a*) uses the title of "registered ayurvedic practitioner" in English or its equivalent in any other language, either alone or in combination with any other word or letters; or

(*b*) uses any name, title, addition or description implying that such person is a registered ayurvedic practitioner,

shall be guilty of an offence.

(2) Any registered ayurvedic practitioner who, not being a person whose name is included in the special register of ayurvedic practitioners, uses any name, title, addition or description or otherwise does any act of any kind, implying that his name is so included shall be guilty of an offence.

(3) Any person who, not being a registered ayurvedic practitioner, practises for gain ayurvedic medicine or surgery shall be guilty of an offence.

Registered ayurvedic pharmacists and registered ayurvedic nurses entitled to practise.

**70.** (1) Every registered ayurvedic pharmacist shall be entitled to practise ayurvedic pharmacy.

(2) Every registered ayurvedic nurse shall be entitled to practise ayurvedic nursing.

Pretence to be a registered ayurvedic pharmacist or a registered ayurvedic nurse to be an offence.

**71.** (1) A person who, not being a registered ayurvedic pharmacist or a registered ayurvedic nurse,—

(*a*) uses the title of "registered ayurvedic pharmacist" or "registered ayurvedic nurse", as the case may be, in English or its equivalent in any other language, either alone or in combination with any other word or letters; or

(*b*) uses any name, title, addition or description implying that he is a registered ayurvedic pharmacist or a registered ayurvedic nurse, as the case may be,

shall, unless he is entitled to do so by virtue of sub-section (2), be guilty of an offence:

(2) A person who is registered under section 10 as the proprietor of a registered ayurvedic pharmacy may, notwithstanding that he is not a registered ayurvedic pharmacist, use, for the purposes of the business of such pharmacy, any name, title, addition or description which may be used by a registered ayurvedic pharmacist, if—

(*a*) he employs a registered ayurvedic pharmacist to personally superintend and manage the sale or dispensing of medicines, drugs or poisons at such pharmacy, and

(*b*) the name of the pharmacist so employed has been notified in writing to the Council.

**72.** Any person who, not being a registered ayurvedic pharmacist, or a registered ayurvedic nurse, practises for gain ayurvedic pharmacy or ayurvedic nursing, as the case may be, shall be guilty of an offence.

Practising for gain as an ayurvedic pharmacist or ayurvedic nurse when not registered to be an offence.

**73.** Every person whose name is included in any register which, by virtue of sub-section (3) of section 51, is deemed to be a register of ayurvedic practitioners maintained under this Act shall be deemed to be a registered ayurvedic practitioner.

Certain persons deemed to be registered as ayurvedic practitioners under this Act.

## PART VIII.

### GENERAL.

**74.** Notwithstanding the change of designation of the Department heretofore called the Department of Indigenous Medicine, all persons holding office as members of the staff of that Department at the appointed date or otherwise employed in that Department at that date shall continue in office or employment in the Department for Ayurveda constituted by this Act.

Continuation in employment of members of the Department of Indigenous Medicine.

**75.** (1) Wherever, in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by or under any other written law, the expression "Commissioner of Indigenous Medicine" occurs, there shall be substituted therefor the expression "Commissioner for Ayurveda"; and accordingly wherever in any such provision the abbreviation " Commissioner " is used to denote the Commissioner

Amendment of other written laws, etc., consequent on the change of designation of the Commissioner of Indigenous Medicine, and savings for contracts, etc.

of Indigenous Medicine, such abbreviation shall be read and construed as a reference to the Commissioner for Ayurveda.

(2) If the designation of any office in the Department of Indigenous Medicine (as constituted prior to the appointed date) is altered—

(*a*) the Minister may, by Order published in the *Gazette*, declare that the provisions of this sub-section shall apply in relation to that designation; and

(*b*) upon such declaration being made, then, wherever that designation occurs in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by any other written law, there shall be substituted for that designation the new designation assigned to the corresponding office in the Department for Ayurveda.

(3) Every contract, agreement or other instrument or document whatsoever made, issued or executed prior to the appointed date by or in favour of the Commissioner of Indigenous Medicine or any officer of that Department in his capacity as such, shall be deemed on and after the appointed date to be and to have been made, issued, or executed by or in favour of the Commissioner for Ayurveda or the officer holding the corresponding office in the Department for Ayurveda in his capacity as such; and any reference in any such contract, agreement, or other instrument or document to any officer in the Department of Indigenous Medicine (as constituted prior to the appointed date) shall be read and construed as a reference to the officer holding the corresponding office in the Department for Ayurveda.

Change of name of the College of Indigenous Medicine and the Hospital of Indigenous Medicine and consequential provisions.

**76.** (1) On and after the appointed date, the College of Indigenous Medicine shall be called and known as the College of Ayurvedic Medicine, and the Hospital of Indigenous Medicine shall be called and known as the Central Hospital of Ayurveda.

(2) Notwithstanding the change of designation of the College heretofore called the College of Indigenous Medicine, or of the Hospital heretofore called the Hospital of Indigenous Medicine, all persons holding office as members of the staff of that College or that Hospital at the appointed date or otherwise employed

in that College or that Hospital at that date shall continue in office or employment in the College of Ayurvedic Medicine or the Central Hospital of Ayurveda, as the case may be.

(3) Wherever, in any provisions of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by or under any other written law, the expression " Principal of the College of Indigenous Medicine " occurs, there shall be substituted therefor the expression " Principal of the College of Ayurvedic Medicine ", or the expression " Medical Superintendent of the Hospital of Indigenous Medicine " occurs, there shall be substituted therefor the expression " Medical Superintendent of the Central Hospital of Ayurveda "; and accordingly wherever in any such provision the abbreviation " Principal " or " Medical Superintendent " is used to denote the Principal of the College of Indigenous Medicine or the Medical Superintendent of the Hospital of Indigenous Medicine, such abbreviation shall be read and construed as a reference to the Principal of the College of Ayurvedic Medicine or the Medical Superintendent of the Central Hospital of Ayurveda, as the case may be.

(4) If the designation of any office in the College of Indigenous Medicine or the Hospital of Indigenous Medicine (as constituted prior to the appointed date) is altered—

(*a*) the Minister may, by Order published in the *Gazette*, declare that the provisions of this sub-section shall apply in relation to that designation; and

(*b*) upon such declaration being made, then, wherever that designation occurs in any provision of any other written law or of any notice, permit, communication, form or other document issued, made, required or authorised by any other written law, there shall be substituted for that designation the new designation assigned to the corresponding office in the College of Ayurvedic Medicine or the Central Hospital of Ayurveda, as the case may be.

(5) Every contract, agreement, or other instrument or document whatsoever made, issued, or executed prior to the appointed date by or in favour of the

Principal of the College of Indigenous Medicine or the Medical Superintendent of the Hospital of Indigenous Medicine or any officer of that College or that Hospital in his capacity as such, shall be deemed on and after the appointed date to be and to have been made, issued, or executed by or in favour of the Principal of the College of Ayurvedic Medicine or the Medical Superintendent of the Central Hospital of Ayurveda, as the case may be, or of the officer holding the corresponding office in that College or that Hospital in his capacity as such; and any reference in any such contract, agreement, or other instrument or document to any officer of the College of Indigenous Medicine or of the Hospital of Indigenous Medicine (as constituted prior to the appointed date) shall be read and construed as a reference to the officer holding the corresponding office in the College of Ayurvedic Medicine or the Central Hospital of Ayurveda, as the case may be.

Ayurvedic Code.

**77.** (1) Regulations may be made under this Act prescribing an Ayurvedic Code containing all such provisions in respect of all such matters as the authority empowered to make such regulations may deem necessary to prohibit, regulate or control the manufacture, sale, supply, distribution or dispensing of any article, substance or drug for the purpose of Ayurvedic medicine and surgery. Such Code may, without prejudice to the generality of the powers hereinbefore conferred, make provision in respect of all or any of the following matters:—

(*a*) the declaration of any article, substance or drug as a poison, poisonous substance or dangerous drug, as the case may be, for that purpose;

(*b*) the introduction and operation of a system of registration or licensing for the purpose of effecting such regulation or control, including the making of applications for such registration or such licences, and the grant, refusal and cancellation of such registration or such licences;

(*c*) the precautions to be taken, and the conditions to be complied with, in such manufacture, sale, supply, distribution or dispensing;

(*d*) the books and records to be kept and maintained, and the returns to be furnished, by persons engaged in such manufacture, sale, supply, distribution or dispensing;

(*e*) the inspection of the premises in which such manufacture, sale, supply, distribution or dispensing is carried on, and of the records and books kept and maintained for that purpose;

(*f*) any other matters incidental to or connected with the matters aforesaid.

(2) The Ayurvedic Code may, in so far as it may be necessary for the purpose of giving full force and effect to the provisions of that Code, provide that any such provisions of the Poisons, Opium, and Dangerous Drugs Ordinance or the Excise Ordinance as are specified in that Code shall not apply, or shall apply subject to any such modifications so specified, to or in relation to any class of persons or any matters so specified:

Provided, however, that no such provision shall be made in that Code in respect of the Excise Ordinance without the prior concurrence of the Minister to whom the subject or function of the administration of that Ordinance has been assigned by the Prime Minister.

**Contravention of regulations an offence.**

**78.** Every person who contravenes or fails to comply with the provisions of any regulation shall be guilty of an offence.

**Offences in relation to registered ayurvedic hospitals, pharmacies, dispensaries and stores.**

**79.** Where an offence under this Act is committed in or in relation to any registered ayurvedic hospital, any registered ayurvedic pharmacy, any registered ayurvedic dispensary or any registered ayurvedic store, then, without prejudice to any proceedings that may be taken in respect of such offence against the person by whom it was committed, the person for the time being registered as the proprietor of such hospital, pharmacy, dispensary or store, as the case may be, as well as the person for the time being in charge thereof shall each be guilty of such offence unless he proves that such offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of such offence.

**Punishment for offences under this Act.**

**80.** Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

Duty of Registrar-General to notify the deaths of registered ayurvedic practitioners, registered ayurvedic pharmacists and registered ayurvedic nurses.

**81.** It shall be the duty of the Registrar-General of Births and Deaths to notify or to cause to be notified to the Ayurvedic Medical Council the name of any registered ayurvedic practitioner, registered ayurvedic pharmacist or registered ayurvedic nurse whose death is registered under the Births and Deaths Registration Act, No. 17 of 1951.

Regulations.

**82.** (1) The Minister may make regulations for the purpose of carrying out and giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations in respect of any matter for which regulations are authorised by this Act to be made.

(3) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

Chapter 90 not to apply to the practice of medicine, surgery, pharmacy or nursing according to ayurveda.

**83.** The provisions of the Medical Ordinance shall not apply to or in relation to the practice of, or persons practising, medicine, surgery, pharmacy or nursing according to ayurveda.

Repeal of section 40 of Chapter 90.

**84.** Section 40 of the Medical Ordinance is hereby repealed.

Amendment of Act No. 25 of 1949.

**85.** Section 63 of the Food and Drugs Act, No. 25 of 1949, is hereby amended, in sub-section (3) of that section, by the substitution, in paragraph (*a*) of that sub-section, for all the words from " includes " to the end of that paragraph, of the words " includes a registered ayurvedic practitioner within the meaning of that term in the Ayurveda Act; and ".

Modification of Chapter 172.

**86.** Until the coming into force of the Ayurvedic Code, the Poisons, Opium and Dangerous Drugs Ordinance shall have effect subject to the modifications specified in the Schedule to this Act.

Repeal of Chapter 219 and Ordinance No. 17 of 1941.

**87.** The Ayurvedic Medical Council Ordinance, and the Indigenous Medicine Ordinance, No. 17 of 1941, are hereby repealed.

**88.** All movable and immovable property of the Board of Indigenous Medicine is hereby transferred to, and shall be the property of, the Crown.

Transfer of property of Board of Indigenous Medicine to the Crown.

**89.** In this Act, unless the context otherwise requires,—

Interpretation.

"approved ayurvedic teaching institution" means any ayurvedic teaching institution approved by the Minister for the purposes of this Act;

"ayurveda" includes the Siddha and Unani and Desiya Chikitsa systems of medicine and surgery and any other system of medicine indigenous to Asian countries and recognised as such by their respective Governments and the expression "ayurvedic" shall be construed accordingly;

"ayurvedic pharmacy" includes any place where ayurvedic drugs or medicines are manufactured, prepared or compounded;

"Board of Indigenous Medicine" means the Board of Indigenous Medicine established under the Indigenous Medicine Ordinance, No. 17 of 1941;

"College of Indigenous Medicine" means the College of Indigenous Medicine which, on the day immediately preceding the appointed date, was administered by the Board of Indigenous Medicine ;

"dispensary" means any premises (howsoever described) used or intended to be used for the outdoor treatment of persons suffering from illness, but does not include a pharmacy ;

"hospital" means any premises (howsoever described) used or intended to be used for the reception, nursing and treatment of persons suffering from any illness or infirmity, and includes a nursing home or maternity home, but does not include a dispensary;

"Hospital of Indigenous Medicine" means the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto which, on the day immediately preceding the appointed date, were administered by the Board of Indigenous Medicine;

" registered ayurvedic hospital" means a hospital registered under this Act as an ayurvedic hospital;

" registered ayurvedic nurse " means a person registered under this Act as an ayurvedic nurse;

" registered ayurvedic pharmacy " means a pharmacy registered under this Act as an ayurvedic pharmacy;

" registered ayurvedic pharmacist " means a person registered as an ayurvedic pharmacist under this Act;

" registered ayurvedic practitioner " means a person registered as an ayurvedic practitioner under this Act, and includes any person who is deemed to be so registered under section 73;

" register of ayurvedic nurses " means the register maintained by the Ayurvedic Medical Council under this Act for the registration of ayurvedic nurses;

" register of ayurvedic practitioners " means the general register, or the special register, maintained by the Ayurvedic Medical Council under this Act for the registration of ayurvedic practitioners, and includes any register which is deemed to be a general register of ayurvedic practitioners or a special register of ayurvedic practitioners under sub-section (3) of section 51; and

" register of ayurvedic pharmacists " means the register maintained by the Ayurvedic Medical Council under this Act for the registration of ayurvedic pharmacists.

## SCHEDULE

*Modification of the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 172)*

*Section 2:* (1) As though the definitions of " medical practitioner ", " dentist " and " pharmacist ". were omitted.

(2) As though, immediately after the definition of " container ", there were inserted the following new definition:—

' " dentist " means a person registered as a dentist under the Medical Ordinance; '.

(3) As though, immediately after the definition of " local authority ", there were inserted the following new definitions:—

' " medical practitioner " means a person registered as a medical practitioner under the Medical Ordinance, and includes a registered ayurvedic practitioner;

" pharmacist " means a person registered as a pharmacist under the Medical Ordinance, and includes a registered ayurvedic pharmacist;

" registered ayurvedic pharmacist " means a person registered as an ayurvedic pharmacist under the Ayurveda Act, and includes any person who, by virtue of sub-section (2) of section 71 of that Act, is entitled to use, for the purposes of the business of a registered ayurvedic pharmacy, any name, title, addition or description which may be used by a registered ayurvedic pharmacist ;

" registered ayurvedic practitioner " has the same meaning as in the Ayurveda Act; '.

*Section 10:* As though in paragraph (*a*) of that section, there were omitted the words " a vederala,".

*Section 12:* As though section 12 were repealed.

*Section 13 :* As though in sub-section (2) of that section, there were omitted the word "vederala, ".

*Section 22 :* As though in paragraph (*a*) of sub-section (3) of that section, there were omitted the word " vederalas, ".

*Section 31:* As though in sub-section (2) of that section, there were substituted, for the words " registered vederalas.", the words " registered ayurvedic practitioners. ".

*Section 34* (1) As though in sub-section (1) of that section, there were substituted, for the words " registered vederalas. ", the words " registered ayurvedic practitioners. ".

(2) As though in paragraph (*b*) of sub-section (4) of that section, there were substituted, for the words " registered vederala ", the words " registered ayurvedic practitioner ".

*Section 35:* As though in paragraph (*b*) of that section, there were substituted, for the words " registered vederala ", the words " registered ayurvedic practitioner ".

*Section 41:* (1) As though for the marginal note to that section, there were substituted the following new marginal note:—

" Appointment of boards to deal with applications for opium certificates. ".

(2) As though sub-section (1) of that section were repealed.

(3) As though sub-section (2), sub-section (3), sub-section (4), sub-section (5) and sub-section (6) of that section were renumbered as sub-section (1), sub-section (2), sub-section (3), sub-section (4) and sub-section (5).

(4) As though in renumbered sub-section (2) of that section, there were substituted—

(*a*) for the words " registration by vederalas ", the words " opium certificates by registered ayurvedic practitioners ";

(*b*) for the words " direct or refuse registration ", the words " grant or refuse such applications "; and

(*c*) for the word " vederala.", the words " ayurvedic practitioner. ".

(5) As though in renumbered sub-section (3) of that section, there were substituted, for the words " registration of a vederala ", the words " opium certificate of a registered ayurvedic practitioner ".

(6) As though in renumbered sub-section (5) of that section, there were substituted, for the words " vederalas registered in his district. ", the words " the registered ayurvedic practitioners in his district to whom opium certificates have been issued.".

*Section 42:* (1) As though for the marginal note to that section, there were substituted the following new marginal note:—

" Supply of opium to registered ayurvedic practitioners. ".

(2) As though in sub-section (1) of that section, there were substituted, for all the words from " The " to " vederala ", the following:—

" Where an application for an opium certificate by a registered ayurvedic practitioner is granted by the Board, the Government Agent shall issue such certificate to such practitioner ".

(3) As though in sub-section (2) of that section, there were substituted—

(*a*) for the words " registration of a vedarala ", the words " opium certificate of a registered ayurvedic practitioner "; and

(*b*) for the words " the vederala ", the words " such practitioner ".

(4) As though in paragraph (*a*) of sub-section (3) of that section, there were substituted—

(*a*) for the word " vederala ", the words " ayurvedic practitioner "; and

(*b*) for the words " certificate of registration ", the words " opium certificate ".

(5) As though in paragraph (*b*) of sub-section (3) of that section, there were substituted, for the word " vederala ", the words " ayurvedic practitioner ".

*Section 45:* As though the words " or a vederala " and the words " or vederalas." were omitted.

*Section 56:* As though in sub-section (2) of that section, there were substituted, for the words " Medical Ordinance,", the following:—

" Medical Ordinance and, where the medical practitioner is a registered ayurvedic practitioner, refer the case to the Ayurvedic Medical Council established under the Ayurveda Act and not to the Ceylon Medical Council,".

*Section 72:* As though in paragraph (*b*) of that section, there were omitted the words " or as a vederala ".

*Second Schedule:*

(1) As though in paragraph (3) of regulation 10, there were substituted—

(*a*) for the words " consumers and vederalas ", the words " consumers, and of registered ayurvedic practitioners to whom opium certificates have been issued,"; and

(*b*) for the word " vederala ", the word " practitioner ".

(2) As though in regulation 15—

(*a*) there were substituted in paragraph (1) of that regulation—

(i) for the word " vederalas ", the words " registered ayurvedic practitioners to whom opium certificates have been issued ", and

(ii) for the words " consumer's or vederala's certificate ", the words " consumer's certificate of registration or registered ayurvedic practitioner's opium certificate "; and

(*b*) there were substituted in paragraph (2) of that regulation, for the word " vederala ", wherever it occurs therein, the words " registered ayurvedic practitioner ".

(3) As though in regulation 16, there were substituted, for the word " vederala ", the words " registered ayurvedic practitioner ".

(4) As though there were substituted in Part IV, for the heading " Vederalas ", the heading " Registered Ayurvedic Practitioners ".

(5) As though in regulation 26, there were substituted, for the words " to be registered as vederalas ", the words " for opium certificates by registered ayurvedic practitioners ".

(6) As though in regulation 27, there were substituted, for the words " Certificate of registration ", the words " Opium certificates ", and for the word " vederala ", the words " registered ayurvedic practitioner ".

(7) As though in regulation 28, there were substituted, for the word " vederalas ", the words " registered ayurvedic practitioners to whom opium certificates have been issued ".

(8) As though in regulation 29, there were substituted, for the word " vederalas ", the words " registered ayurvedic practitioners ".

(9) As though in regulation 30, there were substituted, for the word " vederala, ", the words " ayurvedic practitioner to whom an opium certificate has been issued, ".

(10) As though in regulation 31, there were substituted—

(*a*) for the word " Regulation ", the words and figures " Paragraphs (1) to (4) of regulation ";

(*b*) for the word " vederalas ", the words " registered ayurvedic practitioners "; and

(*c*) for the words " it applies ", the words " they apply ".

(11) As though immediately after regulation 31, there were inserted the following new regulation:—

"32. In the case of a lost or mutilated opium certificate, the Government Agent or opium officer shall issue a true copy of that certificate. The true copy must bear the same number as the original certificate.".

(12) As though in Opium Form No. 5, there were substituted—

(*a*) for the word "VEDERALAS", the words "REGISTERED AYURVEDIC PRACTITIONERS TO WHOM OPIUM CERTIFICATES HAVE BEEN ISSUED";

(*b*) for the words "Certificate of Registration", the words "Opium Certificate"; and

(*c*) for the word "Vederala", wherever it occurs therein, the words "Registered Ayurvedic Practitioner".

(13) As though in Opium Form No. 9,—

(*a*) there were substituted, for the words "TO BE REGISTERED AS A VEDERALA", the words "FOR AN OPIUM CERTIFICATE BY A REGISTERED AYURVEDIC PRACTITIONER";

(*b*) there were omited the items 6, 7 and 8; and

(*c*) items 9 and 10 were renumbered as items 6 and 7.

(14) As though for Opium Form No. 10, there were substituted the following:—

"(Regulation 27) Opium Form No. 10

OPIUM CERTIFICATE OF A REGISTERED AYURVEDIC PRACTITIONER

(Not transferable)

I certify under Chapter IV of the Poisons, Opium and Dangerous Drugs Ordinance that ....., of ....., who is a registered ayurvedic practitioner, is entitled to be supplied with opium of the description and quantity specified in the

Schedule hereto for the period so specified and that he may obtain such opium from the opium officer so specified.

Schedule.

Quantity and kind of opium allowed for six months:—

Opium officer from whom the opium may be obtained:—

.....
Signature of Government Agent or Assistant Government Agent.

Date: , 19 . ".

(15) As though in Opium Form No. 11, there were substituted—

(*a*) for the word " VEDERALAS ", the words " REGISTERED ARURVEDIC PRACTITIONERS TO WHOM OPIUM CERTIFICATES HAVE BEEN ISSUED ";

(*b*) for the word " Vederala ", the words " Registered Ayurvedic Practitioner "; and

(*c*) for the words " Certificate of Registration ", the words " Opium Certificate ".

(16) As though in Opium Form No. 20, there were omitted the words " OR VEDERALA ", and the words " or Vederala " wherever they occur in that Form.

(17) As though in Opium Form No. 21, there were substituted, for the word " Vederala ", the words " Registered Ayurvedic Practitioner ".