



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**MEDICAL (AMENDMENT)
ACT, No. 40 OF 1998**

[Certified on 26th June, 1998]

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Medical (Amendment) Act, No. 40 of 1998

[Certified on 26th June, 1998]

L. D.—O. 65/94.

AN ACT TO AMEND THE MEDICAL ORDINANCE

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Medical (Amendment) Act, No. 40 of 1998. Short title
2. Section 12 of the Medical Ordinance, (hereinafter referred to as the "principal enactment") is hereby amended as follows :— Amendment of section 12 of Chapter 105
 - (1) by the substitution for the heading "the CEYLON MEDICAL COUNCIL" of the heading "SRI LANKA MEDICAL COUNCIL";
 - (2) in subsection (1) of that section by the substitution for the words "the Sri Lanka Medical Council" (hereinafter referred to as "the Medical Council") shall consist of the following members:—" of the words "The Medical Council shall be a body corporate by the name and style of the "Sri Lanka Medical Council" (hereinafter referred to as the "Medical Council") having perpetual succession, and a common seal with power to sue and to be sued in such name and to acquire and hold property movable and immovable and shall consist of "
3. Section 20 of the principal enactment is hereby amended as follows :— Amendment of section 20 of the principal enactment.
 - (1) in paragraph (e) thereof by the substitution for the words "in Sri Lanka; and" of the words "in Sri Lanka ;";
 - (2) by the insertion immediately after paragraph (e) thereof of the following new paragraph :—

"(ee) a register of persons qualified to practise as a member of a profession supplementary to medicine ; and "

Amendment of
section 41 of the
principal
enactment.

4. Section 41 of the principal enactment is hereby amended as follows :—

- (1) in subsection (1) of that section, by the insertion immediately after paragraph (ccc) of that section, of the following paragraph :—

“(ccc) Any estate apothecary who is registered under subsection (2a) of this section as being entitled to practise medicine and surgery and whose name is for the time being in the register maintained under that subsection ;”;

- (2) in subsection (2A) of that section by the substitution, for the words “aggregate period of at least fifteen years”, wherever those words occur in that subsection, of the words “aggregate period of at least eight years”;

- (3) by the insertion immediately after subsection (2a) of that section of the following subsection :—

“(2aa) (a) any estate apothecary, whether he is employed in an estate or a group of estates or has ceased to be so employed may on furnishing proof to the satisfaction of the Director-General of Health Services that he—

- (i) has had an aggregate period of four years of efficient and satisfactory service as an estate apothecary ;
- (ii) has, within that period served in one or more hospitals under one or more medical practitioners for an aggregate period of at least three years ; and
- (iii) holds a diploma conferred by the College Council,

be registered by the registrar on payment of the prescribed fee as being entitled to practice medicine and surgery.

(b) the registrar shall maintain a register of persons registered under this subsection and shall erase therefrom the name of any person ordered to be erased by the Medical Council under subsection (3) of this section ;

(4) in subsection (3) of that section—

(a) by the substitution, for the words “subsection (1) (cc) or any estate dispenser” of the words “subsection (1) (cc) or under subsection (1) (cccc) or any estate dispenser”; and

(b) by the substitution, for the words “subsection(2a) or an Order”, of the words “subsection (2a) or subsection (2aa) or an Order”.

5. Section 60a of the principal enactment is hereby amended in subsection (1) of that section, by the repeal of paragraphs (a), (b), (c) and (d) thereof.

Amendment of section 60a of the principal enactment.

6. Section 60b of the principal enactment is hereby amended by the repeal of subsections (a), (b), (c) and (d) thereof.

Amendment of section 60b of the principal enactment.

7. The following new Part is hereby inserted immediately after Part VIIIA and shall have effect as Part VIIIAA of the principal enactment:

Insertion of new Part VIIIAA in the principal enactment.

“PART VIIIAA

PROFESSIONS SUPPLEMENTARY TO MEDICINE

Register of members of professions supplementary to medicine.

60e. The register of persons registered as members of a profession supplementary to medicine under paragraph (ze) of subsection (1) of section 20 shall consist of several parts as follows:—

(a) Part A shall contain the names of all persons admitted to the register as radiographers ;

(b) Part B shall contain the names of all persons admitted to the register as medical laboratory technologists;

(c) Part C shall contain the names of all persons admitted to the register as Physiotherapists;

(d) Part D shall contain the names of all persons admitted to the register as Occupational Therapists;

(2) The fee for registration, as a member of a profession supplementary to medicine shall be payable to the Registrar on application for registration.

Qualification
for admission
to register of
members of
professions
supplementary
to medicine.

600. (1) (a) A person shall be qualified to be admitted to the register of members of a profession supplementary to medicine as a Radiographer, if he is of good character and holds a certificate of proficiency as a Radiographer issued by the College Council.

(b) A person shall be qualified to be admitted to the register of members of a profession supplementary to medicine as a medical laboratory technologist, if he is of good character and holds a certificate of proficiency as a medical laboratory technologist issued by the College Council.

(c) A person shall be qualified to be admitted to the register of members of a profession supplementary to medicine as a Physiotherapist, if he is of good character and holds a certificate of proficiency as a Physiotherapist issued by the College Council.

(d) A person shall be qualified to be admitted to the register of members of a profession supplementary to medicine as an Occupational Therapist, if he is of good character and holds a certificate of proficiency as an Occupational Therapist issued by the College Council.

(2) Notwithstanding anything in subsection (1), a person admitted to the register of Paramedical Assistants, as a radiographer, medical laboratory technologist, physiotherapist or an occupational therapist, as the case may be, and whose registration is in force on the day preceding the date on which this section comes into operation, shall, with effect from the date on which this section has come into operation, be deemed to be admitted to the register of members of a profession supplementary to medicine as a radiographer, medical laboratory technologist, physiotherapist or occupational therapist, as the case may be.

When a member's name be erased from register.

60H. The name of any person registered under this Ordinance as a member of a profession supplementary to medicine, may be erased from the register of members of a profession supplementary to medicine, if—

- (a) he is deprived of any certificate on the faith of which he was registered as a member of a profession supplementary to medicine; or
- (b) he is convicted of an offence which shows him to be unfit to practice as a member of a profession supplementary to medicine; or
- (c) he shows such negligence or incapacity as a member of a profession supplementary to medicine that he cannot safely be allowed to practice as such; or

(d) he is guilty of infamous conduct in any professional respect.

Unlawful
pretence to be
a member of
profession
supplementary
medicine.

60j. (1) No person, not being a registered member of a profession supplementary to medicine, shall use any name, title or description implying that he is registered under this Ordinance as a registered member of a profession supplementary to medicine.

(2) No person whose name is included in any part of the register of members of a profession supplementary to medicine shall use any name, title or description or otherwise do any act of any kind implying that the name of such person is included in some other part of that register in which it is not in fact so included.

Restriction on
practice as a
member of
profession
supplementary
to medicine.

60k. No person not being a registered member of profession supplementary to medicine, shall practice for gain, or profess to practice, or publish his name as practising, as a member of a profession supplementary to medicine.”

Amendment of
section 68 of the
principal
enactment.

8. Section 68 of the principal enactment is hereby amended by the substitution for the words “not exceeding five thousand rupees”, of the words “not less than five thousand rupees and not exceeding fifty thousand rupees and to imprisonment of either description for a term not exceeding six months and in the case of a second or subsequent offence to a fine not less than ten thousand rupees and not exceeding one hundred thousand rupees and to imprisonment of either description for a term not exceeding twelve months.”.

Insertion of new
section 69A in the
principal
enactment.

9. The following new section is hereby inserted immediately after section 69 and shall have effect as section 69A of the principal enactment :—

“Forfeiture.

69A (1) On the conviction of any person for an offence under this Ordinance, the Court may order that any article or substance in connection with which the offence was committed, or used in, or in connection with the commission of such offence shall be forfeited to the State.

(2) Any property forfeited to the State by an order made under subsection (1), shall vest absolutely in the State. Such vesting shall take effect—

- (a) where no appeal is preferred to a High Court established under Article 154 of the Constitution against the order of forfeiture, on the expiration of the period within which an appeal may be preferred to such High Court against such order of forfeiture ;
- (b) where an appeal has been preferred, to a High Court against such order of forfeiture, and no appeal is preferred to the Supreme Court against the order of the High Court affirming or upholding such order of forfeiture, on the expiration of the period within which an appeal may be preferred to the Supreme Court from such order of the High Court ;
- (c) where an appeal has been preferred to the Supreme Court against such order of forfeiture upon the determination of the Supreme Court affirming or upholding the order of forfeiture.”.

10. Fifth Schedule to the principal enactment is hereby amended by the omission therefrom of—

- (1) the declaration under the heading “Where the applicant holds a certificate of proficiency as a Radiographer issued by the College Council ;”
- (2) the declaration under the heading “where the applicant holds a certificate of proficiency as a Medical Laboratory Technologist issued by the College Council” ;

Amendment of the Fifth Schedule to the principal enactment.

- (3) the declaration under heading “where the applicant holds a certificate of proficiency as a Physiotherapist issued by the College Council” ;
- (4) the declaration under the heading “where the applicant holds a certificate of proficiency as an Occupational Therapist issued by the College Council”.

Addition of a new
Schedule to the
principal
enactment.

11. The principal enactment is hereby amended by the addition at the end thereof of the following new Schedule :—

“SEVENTH SCHEDULE

Declaration for registration as a member of a profession supplementary to medicine.

Where applicant holds a certificate of proficiency as a Radiographer issued by the College Council.

I (name and address of applicant) hereby declare as follows :—

I am the person named (name) in the certificate of proficiency as a Radiographer issued by the College Council now produced and shown to me and marked A.

(Signature of applicant.)

Dated this day of

Declared before me this day of

(Signature of person
taking the declaration).

Justice of the Peace or
Commissioner for
Oaths.

Where applicant holds a certificate of proficiency as a Medical Laboratory technologist issued by the College Council.

I (name and address of applicant) hereby declare as follows :—

I am the person named (name) in the certificate of proficiency as a Medical Laboratory technologist issued by the College Council now produced and shown to me and marked A.

(Signature of applicant.)

Dated this day of
Declared before me this day of

(Signature of person taking the declaration).	Justice of the Peace or Commissioner for Oaths.
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Where applicant holds a certificate of proficiency as a Physiotherapist issued by the College Council.

I (name and address of applicant) hereby declare as follows :—

I am the person named (name) in the certificate of proficiency as a Physiotherapist issued by the College Council now produced and shown to me and marked A.

(Signature of applicant.)

Dated this day of
Declared before me this day of

(Signature of person taking the declaration).	Justice of the Peace or Commissioner for Oaths.
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Where applicant holds a certificate of proficiency as an occupational therapist issued by the College Council.

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I (name and address of applicant) hereby declare as follows :—

I am the person named (name) in the certificate of proficiency as an occupational therapist issued by the College Council now produced and shown to me and marked A.

(Signature of applicant.)

Date this day of
Declared before me this

day of

(Signature of person
taking the declaration).

Justice of the Peace or
Commissioner for
Oaths.”.

Sinhala text to
prevail in case of
inconsistency.

12. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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