Chapter 27:08

MEDICAL, DENTAL AND ALLIED PROFESSIONS ACT

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SECOND SCHEDULE: Professions and Callings.

AN ACT to consolidate and amend the laws in force in Zimbabwe relating to the registration of medical practitioners, dental practitioners and persons practising other professions or callings allied to medicine or dentistry and concerned with the prevention or treatment of physical or mental defects or diseases of man; to provide for the constitution, functions and powers of the Health Professions Council; to provide for the registration and control of health institutions and the regulation of services provided therein or therefrom; to provide for disabilities of and offences by unregistered persons practise as or representing themselves to be practitioners in any profession or calling in respect of which a register is kept by the Health Professions Council; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 28th May, 1971.]

PART I
PRELIMINARY

1 Short title
This Act may be cited as the Medical, Dental and Allied Professions Act [Chapter 27:08].

2 Interpretation
(1) In this Act—
"appointed day" means the 28th May, 1971;
"certificate of registration" means a certificate of registration issued in terms of section twenty-seven or the corresponding provision of the repealed Act;
"Council" means the Health Professions Council referred to in subsection (2) section three;
"Disciplinary Committee" means the Disciplinary Committee referred to in section sixteen established in terms of paragraph (b) of subsection (1) of section thirteen;
"drug" bears the meaning assigned thereto in section 2 of the Drugs and Allied Substances Control Act [Chapter 15:03];
"Executive Committee" means the Executive Committee referred to in section fourteen established in terms of paragraph (a) of subsection (1) of section thirteen;
"fixed date" means the 1st January, 1985;
"former Council" means the Medical Council of Rhodesia established under the repealed Act in existence immediately before the appointed day;
"health institution" means any hospital, clinic, medical laboratory, consulting room or other premises or part thereof which are used by a health practitioner for any purpose connected with the diagnosis, treatment, mitigation or prevention of any illness,
injury or disability or abnormal physical or mental state or the symptoms thereof in human beings;
“health practitioner” means a person who is registered or required to be registered in terms of this Act;
“Minister” means the Minister of Health and Child Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act;
“Practice Control Committee” means the Practice Control Committee referred to in section fifteen;
“practice of psychology” bears the meaning assigned thereto in section 2 of the Psychological Practices Act [Chapter 27:11];
“register” means a register kept in terms of Part III;
“registered” means registered in terms of this Act in a register;
“Registrar” means the Registrar of the Council appointed in terms of section eighteen;
“repealed Act” means the Medical, Dental and Allied Professions Act [Chapter 214 of 1963];
“rule” means any rule made by the Council in terms of this Act or which remained in force in terms of section eighty-eight and which is in force.

(2) This Act shall not be construed as affecting the practice of his religious tenets by a member of a church if such practice does not involve the member in—
(a) prescribing or administering any drug; or
(b) performing any surgical or physical operation; or
(c) engaging in the practice of psychology; or
(d) assuming the title of or holding himself out to be a physician, surgeon or medical practitioner.

PART II
HEALTH PROFESSIONS COUNCIL OF ZIMBABWE

3 Establishment of Health Professions Council

(1) There is established for Zimbabwe a council, to be known as the Medical, Dental and Allied Professions Council, which shall be a body corporate and shall, in its corporate name, be capable of suing and being sued and, subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

(2) With effect from the fixed date—
(a) the Council established in terms of subsection (1) shall be known as the Health Professions Council;
(b) any reference in any enactment, contract, deed or other document whatsoever to the Medical, Dental and Allied Professions Council shall be construed as a reference to the Health Professions Council.

4 Minister may give directions to Council

The Minister may give directions as to general matters of policy to the Council and the Council shall comply therewith.

5 Succession to existing Council

(1) The Council shall for all purposes be the successor to the former Council.

(2) All assets and liabilities which immediately before the appointed day vested in or had been incurred by the former Council shall pass by succession to the Council established by section three.

(3) Any proceeding or cause of action pending or existing immediately before the appointed day which had been commenced by or against the former Council may be continued or enforced by or against the Council established by section three as it might have been by or against the former Council if this Act had not been passed.

6 Composition of Council

(1) The Council shall consist of twenty-seven members of whom—
(a) one shall be the Secretary for Health;
(b) ten shall, subject to subsection (2), be appointed by the Minister;
(c) sixteen shall, subject to subsection (3), be elected.

(2) Of the members appointed by the Minister in terms of paragraph (b) of subsection
(1)—
(a) one shall be a registered medical practitioner who shall be a full-time member of staff on the Board of the Faculty of Medicine of the University of Zimbabwe;
(b) one shall be a registered legal practitioner of not less than five years’ standing;
(c) one shall be a registered medical practitioner;
(d) one shall be a registered dental practitioner;
(e) one shall be a registered pharmaceutical chemist;
(f) one shall be a registered general nurse;
(g) one shall be a person registered on a register established for persons other than those referred to in paragraphs (a) to (f);
(h) two shall be persons who are not registered but who are selected by the Minister for their suitability for appointment to the Council;
(i) one shall be a person who is selected by the Minister as being representative of the Missions in Zimbabwe.

(3) Of the elected members referred to in paragraph (c) of subsection (1)—
(a) two shall be registered medical practitioners elected by the registered medical practitioners;
(b) one shall be a registered dental practitioner elected by the registered dental practitioners;
(c) one shall be a registered pharmaceutical chemist elected by the registered pharmaceutical chemists;
(d) seven shall be registered general nurses or registered medical assistants elected by the registered general nurses and registered medical assistants:
Provided that not less than two shall be registered general nurses and not less than two shall be registered medical assistants;
(e) one shall be a registered health inspector or registered health assistant elected by the registered health inspectors and the registered health assistants;
(f) two shall be registered medical laboratory technologists or registered medical laboratory technical assistants elected by the registered medical laboratory technologists and the registered medical laboratory technical assistants;
(g) one shall be a registered person not referred to in paragraphs (a) to (f), elected by registered persons not referred to in those paragraphs;
(h) one shall be a psychologist registered in terms of the Psychological Practices Act [Chapter 27:11], elected by psychologists so registered.

(4) The President of the Council may, after consultation with the appropriate association, if any, invite one or more members from a profession or calling in respect of which a register is kept and which is not directly represented under subsection (3) on the Council to attend meetings of the Council at which matters affecting that profession or calling are to be discussed and any such member may participate in any discussion at the meeting but shall not be entitled to vote.

7 Period of office and method of appointment and election
(1) The period of office of the members of the Council shall, subject to this Part, be for a period of five years the first of which shall commence on the 1st January, 1973.
(2) Within twenty-one days of the election of the elected members of the Council, the Minister shall notify in the Gazette the names of the persons whom he has appointed as members of the Council for the next ensuing five-year period.
(3) The election of the elected members of the Council shall be held in accordance with such provisions as may be fixed by the Minister and published in a statutory instrument and in fixing such provisions the Minister may provide for the manner in which candidates shall conduct themselves, what conduct shall be prohibited and what conduct shall disqualify a candidate from election.

8 Appointment of members on failure of voters to elect members
(1) If any class of voters referred to in subsection (3) of section six fails, neglects or
refuses for any reason whatsoever to elect any or all of the members referred to in that subsection, the Minister may appoint to the Council the number of members which that class of voters has failed, neglected or refused, as the case may be, to elect.

(2) Any member of the Council appointed in terms of subsection (1)—

(a) need not be selected from the class of voters which should have elected him; and

(b) notwithstanding the provisions of subsection (1) of section six, shall hold office for such period as the Minister may fix:

Provided that the period so fixed by the Minister shall expire not later than the end of the current five-year period; and

(c) shall be deemed to be of the appropriate profession or calling and to have been duly elected to the Council by the class of persons which should have elected him.

9 Minister may require member to vacate office or suspend member

(1) The Minister may require a member of the Council to vacate his office if the Minister is satisfied that the member—

(a) has become insolvent or has assigned his estate for the benefit of, or made a composition or other arrangement with, his creditors; or

(b) has been absent from three consecutive meetings of the Council of which he has had notice without the leave of the Council; or

(c) has been disqualified under this Act from carrying on his profession or calling; or

(d) has been convicted by a competent court of an offence in terms of this Act or the repealed Act or any law relating to poisons or drugs; or

(e) has been convicted—

(i) within Zimbabwe of a criminal offence; or

(ii) outside Zimbabwe of an offence by whatever name called which, if committed within Zimbabwe, would have been a criminal offence; and sentenced by a court to imprisonment for a term of six months or more without the option of a fine, whether or not such sentence has been suspended, and has not received a free pardon; or

(f) is mentally or physically incapable of efficiently performing his duties as a member of the Council; or

(g) has resigned by notice in writing—

(i) in the case of an elected member, to the President of the Council; or

(ii) in the case of an appointed member, to the Minister and the Minister has accepted such resignation; or

(h) has had a penalty imposed upon him in terms of this Act by the Disciplinary Committee, Executive Committee or Council.

(2) The Minister may suspend from office a member of the Council against whom—

(a) criminal proceedings have been instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed; or

(b) disciplinary proceedings are instituted by the Disciplinary Committee; and whilst that member is so suspended he shall not carry out any duties as a member.

10 Filling of vacancies on Council

(1) On the death of or the vacation of office by a member of the Council who is—

(a) an elected member, the vacancy shall be filled by an election held in accordance with the provisions fixed by the Minister in terms of subsection (3) of section seven:

Provided that, if the remainder of the period for which the member whose office has been vacated would otherwise have held office is less than six months, it shall not be necessary to hold an election and the Council may, if it sees fit, co-opt a person to fill the vacancy;

(b) an appointed member, the Minister shall appoint another person to fill the vacancy;
and the person so elected, co-opted or appointed, as the case may be, shall belong to
the same profession or calling as the member whose place he fills and shall hold
office for the remainder of the five-year period for which that member would, but for
his death or the vacation of his office, have continued in office.
(2) If any member of the Council is granted leave of absence by the Council, the
Council may, if it sees fit, co-opt a person who belongs to the same profession or
calling as the member who has been granted leave to fill the vacancy during the
absence of that member.
11 President and Vice-President
(1) At the first meeting of the Council in each five-year period the members of the
Council shall elect from among the members who are medical practitioners a
President and a Vice-President who shall hold office during that five-year period
unless he sooner resigns or ceases to be a member.
(2) If the President or the Vice-President vacates his office, a new President or Vice-
President, as the case may be, shall be elected from among the members who are
medical practitioners at the next meeting of the Council or as soon thereafter as may
be convenient.
(3) The Secretary for Health shall not be eligible for election as President or Vice-
President of the Council.
(4) A President or Vice-President may vacate his office as such even though he
remains a member of the Council.
(5) The Vice-President shall, if the President is absent or unable to carry out his
functions, exercise the functions of the President during the period that the President
is so absent or unable to act.
(6) If the Vice-President is absent or unable to carry out his functions the Council
may elect from among the members who are medical practitioners a member to act as
Vice-President.
(7) A President or Vice-President shall, notwithstanding that his period of
membership of the Council has expired, continue to hold office as President or Vice-
President until his successor has been elected.
12 Meetings of Council
(1) A meeting of the Council shall be held not less than three times in each year.
(2) A special meeting of the Council—
   (a) may be convened by the President at any time;
   (b) shall be convened by the President within twenty-one days of the
       receipt by him of a request in writing signed by not less than five members of the
       Council and specifying the purposes for which the meeting is to be convened.
(3) At any meeting of the Council—
   (a) the President or, in his absence, the Vice-President shall preside;
   (b) in the absence of both the President and the Vice-President the
       members present shall elect one of their number to preside;
   (c) twelve members, of whom—
       (i) three are medical practitioners; and
       (ii) one is a dental practitioner; and
       (iii) one is pharmaceutical chemist; and
       (iv) three are general nurses or State certified nurses;
       shall form a quorum.
(4) All acts, matters or things authorized or required to be done by the Council shall
be decided by a majority vote at a meeting of the Council at which a quorum is
present.
(5) At all meetings of the Council each member present shall have one vote on a
question before the Council and, in the event of an equality of votes, the person
presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.
(6) Subject to this Act, the Council may make standing orders for the regulation of
the proceedings and business of the Council and may vary, suspend or revoke any
such standing orders.

(7) The record of any meeting of the Council shall be made available to any registered person at all reasonable times at the office of the Council:

Provided that the provisions of this subsection shall not be construed as entitling a registered person to peruse the records of—

(a) a meeting of the Executive Committee, the Disciplinary Committee or any other committee of the Council; or

(b) the Council where the Council has resolved that it shall sit as a committee.

(8) The President shall submit to the Minister—

(a) an annual report on the business of the Council and its committees during the preceding year; and

(b) a report on any particular activity of, or matter relating to, the Council or any of its committees whenever he is requested by the Minister to do so.

13 Committees of Council

(1) For the proper exercise of its functions and powers, under this Act or any other enactment, the Council—

(a) shall establish an executive committee, the function of which shall be to exercise any powers of the Council between meetings:

Provided that—

(i) the Executive Committee shall not, save in so far as the Council otherwise directs, have power to set aside or vary any decision of the Council;

(ii) any action taken by the Executive Committee shall be reviewed by the Council at its meeting next after such action is taken;

and

(b) shall establish a practice control committee, the function of which shall be to exercise the powers conferred and perform the duties imposed upon it in terms of Part V and Part VI; and

(c) shall establish a disciplinary committee, the function of which shall be to exercise disciplinary powers in accordance with Part VII or the corresponding provisions of any other enactment; and

(d) may, subject to section seventeen, establish such education committees and such other committees as it considers to be necessary or desirable in which may be vested and on which may be imposed such of the functions and powers of the Council as the Council may direct:

Provided that—

(i) the Council shall not vest in any such committee the power which is conferred upon the Council in terms of section thirty-six to cancel the provisional registration of a person;

(ii) the vesting or imposition of any such functions and powers in a committee shall not thereby divest the Council of such functions and powers;

(iii) the Council may amend or rescind any decision of any such committee in the exercise of its functions and powers;

(iv) save as otherwise expressly provided in this Act or any other enactment, no such committee shall exercise any disciplinary powers in relation to a person registered under this Act or that other enactment.

(2) The President of the Council or the chairman of a committee may, at any time and at any place, convene a meeting of that committee.

(3) Subject to this Act, the procedure of a committee established in terms of this Act shall be fixed by the Council.

14 Executive Committee

(1) The Executive Committee shall consist of—

(a) the President of the Council who shall be chairman;

(b) the Vice-President of the Council;

(c) the Secretary for Health;
(d) nine members of the Council appointed by the Council of whom—

(i) one shall be a medical practitioner;
(ii) one shall be a dental practitioner;
(iii) one shall be a pharmaceutical chemist;
(iv) three shall be general nurses or State certified nurses with at least one being a general nurse;
(v) one shall be a health assistant or health inspector;
(vi) one shall be a medical laboratory technologist or medical laboratory technical assistant.

(2) Meetings of the Executive Committee shall be held not less than three times each year.

(3) At any meeting of the Executive Committee six members of whom not less than—

(a) two are medical practitioners;
(b) one is a dental practitioner;
(c) one is a nurse;
shall form a quorum.

(4) If at a meeting of the Executive Committee the President and the Vice-President are both absent, the members present shall elect one of their members who is a Medical Practitioner to preside at that meeting.

(5) All acts, matters or things authorized or required to be done by the Executive Committee shall be decided by a majority vote at a meeting of the Committee at which a quorum is present.

(6) At all meetings of the Executive Committee each member present shall have one vote on a question before the Committee and, in the event of an equality of votes, the chairman shall have, in addition to a deliberative vote, a casting vote.

(7) The Registrar shall give notice of every meeting of the Executive Committee to the Minister who may attend the meeting.

(8) Minutes of every meeting of the Executive Committee shall be submitted by the Registrar to the Minister within one month of the meeting.

(9) The Minister may at any time direct the Registrar to convene a meeting of the Executive Committee for the purposes of dealing with any matter specified by the Minister and relating to the functions of the Council and the Registrar shall comply therewith within twenty-one days of the receipt of such direction.

15 Practice Control Committee

(1) The Practice Control Committee shall consist of—

(a) the President of the Council, who shall be the chairman; and
(b) the Secretary for Health; and
(c) no fewer than five or more than eight members appointed by the Council, of whom the following shall be members of the Council and of whom—

(i) at least one shall be a medical practitioner; and
(ii) at least one shall be a dental practitioner; and
(iii) at least one shall be a pharmaceutical chemist; and
(iv) at least one shall be a general nurse; and
(v) at least one shall be an officer of the Ministry of Health who is a medical practitioner;

and

(d) one member chosen by the Council who shall be a registered legal practitioner of not less than five years’ standing.

(2) In making appointments in terms of paragraph (c) of subsection (1) the Council shall endeavour to appoint, so far as it may be practicable to do so, one member who is a specialist physician registered on the specialist register.

(3) The period of office of the members of the Practice Control Committee referred to in paragraphs (c) and (d) of subsection (1) shall be such period, not exceeding five years, as may be fixed in each case by the Council at the time of their appointment:
Provided that—

(i) any such member shall be eligible for reappointment;

(ii) the Council may, without assigning reasons, request any such member to retire from the Practice Control Committee if at any time the Council considers it necessary or desirable to do so.

(4) If at a meeting of the Practice Control Committee the chairman is absent, the members present shall elect one of their number to preside at the meeting as chairman.

(5) Subject to this section, the Practice Control Committee shall meet and regulate its business as it thinks fit.

(6) A majority of members shall form a quorum at a meeting of the Practice Control Committee.

(7) All acts, matters or things authorized or required to be done by the Practice Control Committee shall be decided by a majority vote at a meeting of the Practice Control Committee at which a quorum is present.

(8) At all meetings of the Practice Control Committee each member shall have one vote and in the event of an equality of votes the chairman shall have, in addition to a deliberative vote, a casting vote.

(9) For the purpose of carrying out its functions the Practice Control Committee shall have the power—

(a) if it is reasonably necessary for the detection of any offence in terms of Part V or VI, to investigate any health institution at all reasonable times and without giving prior notice to such health institution, and for such purpose the Practice Control Committee may appoint in writing an investigator with authority to—

(i) enter the health institution; and

(ii) question any person employed at the health institution; and

(iii) inspect, make copies and take extracts from any books, records or other documents located in the health institution that may be relevant to the investigation;

and thereafter make a full written report to the Practice Control Committee;

(b) to call for a report, whether on oath or otherwise from any person in respect of any matter arising from the implementation of its functions.

(10) Any person who hinders, obstructs or makes any false representation to an investigator appointed in terms of paragraph (a) of subsection (9) shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

16 Disciplinary Committee

(1) The Disciplinary Committee shall consist of—

(a) the President of the Council, who shall be chairman; and

(b) not less than two and not more than four other persons specially appointed by the President of the Council in consultation with the Executive Committee for the particular inquiry and in so doing the President shall appoint persons who are either members of the Council or who are registered on the same register as the person in respect of whom the inquiry is to be held:

Provided that—

(i) at least one of the persons so appointed shall be registered on the same register as the person in respect of whom the inquiry is to be held;

(ii) if, in any particular case the President of the Council considers that he should not be Chairman of the committee, he shall appoint another member of the Council to be the chairman for that particular case.

(2) The legal member of the Council shall be present at an inquiry to advise the Disciplinary Committee on matters of law, procedure and evidence:

Provided that, if the legal member of the Council is unable to be present at an inquiry,
the President of the Council, in consultation with the Executive Committee or with such members thereof as he is able to consult in the time available, shall appoint some other person who is a legal practitioner to be present at the inquiry to advise on matters of law, procedure and evidence.

(3) At any meeting of the Disciplinary Committee the chairman and two other members shall form a quorum.

(4) All acts, matters or things authorized or required to be done by the Disciplinary Committee shall be decided by a majority vote at a meeting of the Disciplinary Committee at which a quorum is present.

(5) At all meetings of the Disciplinary Committee each member present shall have one vote on a question before the Disciplinary Committee and, in the event of an equality of votes, the chairman shall have, in addition to a deliberative vote, a casting vote.

(6) Save as otherwise expressly provided in Part VII, the Disciplinary Committee may regulate its procedure in such manner as it thinks fit.

(7) Whenever the Executive Committee refers a matter to the Disciplinary Committee, the Registrar shall advise the Minister thereof specifying the person who is the subject of the inquiry concerned and the nature of the complaint.

(8) Whenever the Disciplinary Committee has completed an inquiry the Registrar shall advise the Minister of the result of the inquiry advising him of the action, if any, taken by the Disciplinary Committee.

17 Education committees

(1) An education committee may be established for the supervision of the training of medical practitioners, dental practitioners or pharmaceutical chemists or of persons for any other profession or calling in respect of which a register is kept.

(2) On the establishment of an education committee referred to in subsection (1) the Council—

(a) shall appoint to that committee at least one member of the Council who shall be the chairman of the committee; and

(b) may appoint to that committee persons who are not members of the Council.

(3) Subject to the general direction of the Council, the functions of an education committee shall be—

(a) to advise the Council on any matter of education in the field in respect of which it is established; and

(b) to satisfy itself and the Council that the curricula in every teaching institution in the field in respect of which it has been established are such that graduates will have a sufficient basic knowledge for the practice of their profession or calling; and

(c) to satisfy itself and the Council as to the training, duties and facilities for experience for interns, where applicable; and

(d) to perform such other functions as may be vested in it by the Council in relation to the supervision of other aspects of education in the field in respect of which it is established.

(4) For the purpose of carrying out its functions an education committee may, subject to the general direction and guidance of the Council—

(a) on behalf of the Council, appoint inspectors to visit the university, hospital or other institution or premises where instruction is given to or examinations conducted for students who intend to apply for registration in terms of this Act and to observe such instruction or examinations; and

(b) to submit reports to the Council on the courses and curricula followed at and examinations conducted by any university, hospital or other institution or premises where instruction is given to or examinations are held for students who intend to apply for registration in terms of this Act.

18 Appointment of Registrar and other staff
(1) Subject to this section, the Council—
   (a) shall appoint a Registrar; and
   (b) may appoint a duty registrar and assistant registrars and such other
       employees as it considers to be necessary or desirable;
   at such remuneration and allowances, to be paid from its funds, as the Council may
   from time to time determine and the Council may discharge any such employee for
   good cause:
   Provided that the Registrar, after consultation with the President of the Council, may
   on behalf of the Council appoint temporary employees at such daily rates of pay as he
   may consider appropriate and shall, after he has appointed any such employee, report
   the fact thereof to the Council at its next meeting.
(2) The Registrar shall be the secretary to the Council and to every committee thereof
   and shall, on the instructions of the President of the Council or the chairman of any
   committee, convene a meeting of the Council or committee, as the case may be.
(3) If the Registrar is absent or unable to carry out any of his functions under this Act
   or any other enactment, an assistant registrar shall exercise, during the period that the
   Registrar is so absent or unable to act, such of the functions of the Registrar as the
   President of the Council may designate.
(4) The President of the Council may suspend from the performance of his duties any
   employee pending consideration by the Council of a complaint in relation to the
   employee.
(5) The remuneration and allowances of the employees of the Council shall be subject
   to the approval of the Minister.
(6) Any person who immediately before the appointed day was an employee of the
   former Council shall be deemed to have been appointed in terms of subsection (1)
   with effect from the appointed day and the person who immediately before the appointed day held the office of registrar of the former Council shall be deemed to have been appointed as Registrar.
19        Funds, accounts and audit
(1) The funds of the Council shall consist of—
   (a) all fees paid in terms of regulations referred to in section twenty-one; and
   (b) all application fees paid in terms of Part III; and
   (c) such moneys as may be payable to the Council from moneys
       appropriated for the purpose by Act of Parliament; and
   (d) such other moneys and assets as may vest in or accrue to the Council,
       whether in the course of its functions or otherwise, including any penalty or costs
       payable to the Council in terms of Part VII.
(2) The Council shall keep proper accounts and other records relating thereto in
   respect of its funds.
(3) The accounts of the Council shall be audited annually by a public auditor
   registered in terms of the Public Accountants and Auditors Act [Chapter 27:12]
   appointed by the Council.
20        Powers of Council
For the better exercise of its functions the Council shall subject to this Act, have
power to do or cause to be done all or any of the things specified in the First
Schedule.
21        Annual fees
(1) The Council may at any time prescribe that a fee shall be payable annually to the
   Council by any one or more classes of registered persons as may be specified in such
   regulations
(2) In prescribing the fee referred to in subsection (1) the Council—
   (a) shall specify the date on which the fee shall be payable; and
   (b) may prescribe different fees for different classes of registered persons.
Remuneration and expenses of members of Council or committee
A member of the Council or of any committee of the Council shall be paid from the funds of the Council such allowances as the Council, with the approval of the Minister, may fix to meet any reasonable expenses incurred by him in connection with the business of the Council or that committee, as the case may be.

Reports on training, qualifications and practice of persons who are registrable
The Council may, and if so required by the Minister shall, consider and report to the Minister upon any matter relating to the professional or technical training or other qualifications required for admission to a profession or calling in respect of which a register is kept and the conditions of practice after registration.

Grant of diplomas and certificates
(1) The Council may grant diplomas or certificates of competency to persons who have—
   (a) undergone such training and courses of instruction as the Council may prescribe; and
   (b) passed an examination or examinations in Zimbabwe or elsewhere to the satisfaction of the Council and, if held within Zimbabwe, before examiners appointed by the Council.
(2) The Council shall keep lists of all persons to whom a diploma or certificate has been granted in terms of subsection (1).

PART III
REGISTERS AND REGISTRATION CERTIFICATES

Registers
(1) The Council shall, subject to the provisions of this Act, continue to keep the registers which were established before the appointed day relating to the professions or callings specified in the Second Schedule:
Provided that the register of chemists and druggists which was kept under the repealed Act shall, with effect from the appointed day, be known as the register of pharmaceutical chemists and every person who immediately before the appointed day was registered on the register of chemists and druggists shall for all purposes of this Act be registered pharmaceutical chemists.
(2) Subject to subsection (11), the Council may, with the approval of the Minister, establish and keep registers of persons of a profession or calling not specified in the Second Schedule and who have acquired special training and knowledge in matters relating to the prevention or treatment of physical or mental defects or diseases in man.
(3) The Council shall, subject to this Act, establish and keep or continue to keep registers of persons with adequate practical experience to practise a particular profession or calling for the purposes of subsection (2) or (3) of section thirty-one.
(4) The Council shall, subject to this Act, continue to keep a register of house officers for the purposes of section thirty-four.
(5) The Council may, subject to this Act, establish and keep registers of persons undergoing vocational training for the purposes of section thirty-five.
(6) The Council shall, subject to this Act, continue to keep a register of persons provisionally registered for the purposes of section thirty-six.
(7) The Council may establish and keep a register of students who are undergoing training in Zimbabwe for a qualification required for admission to a profession or calling in respect of which a register is kept.
(8) Subject to subsection (11), the Council may, with the approval of the Minister, alter the name of a register kept in terms of subsection (1) or (2) and every person who, immediately before such alteration, was registered under the old title shall for all purposes be considered as being registered under the new title.
(9) There shall be entered in a register kept in terms of this section in relation to a registered person his name, address, qualifications and date of first registration and such other particulars as the Council may from time to time determine.
Where the Council intends—

(a) to establish a register in terms of subsection (2); or

(b) to alter the name of a register in terms of subsection (9);

the Council shall cause to be published in the Gazette and in such newspapers as the Council considers appropriate notice of such intention and the date with effect from which it is intended that the register will be established or the name of the register altered, as the case may be.

26 Registers of medical practitioners or dental surgeons practising in particular branches

(1) The Council may establish and keep a register of medical practitioners or of dental practitioners who have acquired special knowledge and experience in particular branches of surgery, medicine or dentistry.

(2) If the Council establishes a register in terms of subsection (1), it may make rules providing for—

(a) the requirements to be satisfied, including the experience to be obtained, the nature and duration of the training to be undertaken and the degree, diploma or certificate, to be held by a medical practitioner or dental practitioner before he can be registered on that register;

(b) the conditions which shall exempt any person from the requirements, experience or training referred to in paragraph (a);

(c) the conditions governing the practice of medical practitioners or dental practitioners who have been registered on a register kept in terms of subsection (1), including conditions restricting the practice of any such medical practitioner or dental practitioner to a particular branch of surgery, medicine or dentistry, as the case may be;

(d) the circumstances in which the Council may remove the name of a person from a register kept in terms of subsection (1).

(3) Rules made in terms of subsection (2) shall have no force or effect until they have been approved by the Minister and published in a statutory instrument.

(4) There shall be entered in a register kept in terms of subsection (1) in relation to a registered person such particulars as the Council may from time to time determine.

27 Duties of Registrar and certificates of registration

(1) The registers shall be kept in the custody of the Registrar at the office of the Council.

(2) It shall be the duty of the Registrar—

(a) to enter in a register which is kept in terms of—

(i) section twenty-five the particulars required by subsection (10) of that section of each person whom he registers on that register; or

(ii) section twenty-six the particulars required by subsection (4) of that section of each person whom he registers on that register; and

(b) to make in a register any necessary alterations in the name, address, qualifications or other particulars of a registered person; and

(c) to erase from a register the name of a registered person who dies; and

(d) when required to do so by or under this Act or in pursuance of an order of the High Court—

(i) to mark in a register the registration of an applicant or, as the case may be, the suspension from practice of a registered person; and

(ii) to erase from a register the name of a registered person;

and generally in connection with all registers to comply with the provisions of this Act and any order of the High Court.

(3) Where the Registrar erases from a register the name of a registered person he shall enter in that register a record of the reasons therefor.

(4) If, in the performance of the duties imposed upon him by or under this Act, the Registrar—
(a) registers an applicant, he shall issue to him a certificate of registration;
(b) erases from a register the name of a registered person or marks in a
register the suspension from practice of a registered person, he shall, if possible,
notify him in writing accordingly.
(5) On application by a registered person the Registrar may issue to that person a
duplicate certificate of registration—
(a) if he is satisfied as to the identity of the applicant; and
(b) on production by the applicant of an affidavit certifying that the
certificate of registration has been lost or destroyed; and
(c) on payment by the applicant of the appropriate fee, if any, prescribed.

28 Offences in connection with register, etc.
A person who—
(a) makes or causes to be made an unauthorized entry or alteration or
deletion in a register or a certified copy thereof or extract therefrom or on a certificate
of registration; or
(b) procures or attempts to procure for himself or another person
registration or a certificate of registration by means of fraud, a false representation or
the concealment of a material fact; or
(c) makes or causes to be made in connection with an application for
registration a false declaration in a document used for the purpose of establishing his
identity; or
(d) wilfully destroys or injures or renders illegible or causes to be
destroyed, injured or rendered illegible an entry in a register; or
(e) without the permission of the holder, wilfully destroys, injures or
renders illegible or causes to be destroyed, injured or rendered illegible a certificate of
registration; or
(f) forges or utters, knowing the same to be forged, a document
purporting to be a certificate of registration;
shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or
to imprisonment for a period not exceeding five years or to both such fine and such
imprisonment.

29 Publication of registers
(1) The Registrar shall, from time to time under the authority of the Council, cause
copies of the registers or of supplementary lists showing all alterations, additions,
revisions and erasures made since the last publication of the complete registers to be
printed and published.
(2) Copies of the registers shall be published in such form as the Council may direct
and may contain, in lists separate from the main registers, such particulars as the
Council may require to be published.

30 Registers to be evidence
(1) Subject to the provisions of subsection (2), the last published copy of a register, as
read with any supplementary list, purporting to be printed and published under the
authority of the Council in terms of section twenty-nine, shall be prima facie evidence
in all legal proceedings of the facts therein recorded and the absence of the name of
any person from such copy shall be evidence, until the contrary is proved, that such
person is not registered.
(2) In the case of a person—
(a) whose name does not appear in a copy published in terms of
subsection (1) and whose name has been added to a register after the date of the last
published copy thereof, a certificate under the hand of the Registrar of the entry of the
name of that person in the register shall be prima facie evidence that that person is so
registered on that register; or
(b) whose name has been erased from a register since the date of the last
published copy thereof and has not been restored thereto, a certificate under the hand
of the Registrar that the name of that person has been erased from the register shall be
prima facie evidence that that person is not registered on that register; or

(c) who has been suspended from practice in terms of this Act, a certificate under the hand of the Registrar that that person has been so suspended from practice for a period specified in that certificate shall be prima facie evidence that that person has been suspended from practice for that period.

PART III
REGISTRATION AND ERASURE FROM REGISTER
31 Persons required to be registered
(1) Every person who, immediately before the appointed day, was registered in a register referred to in subsection (1), (3), (4) or (6) of section twenty-five shall be deemed to have been registered in terms of this Act in that register.
(2) In the case of a person who, immediately before the appointed day, was practising a profession or calling specified in the Second Schedule in relation to which registration was not compulsory under the repealed Act and who—
(a) does not possess the qualifications prescribed in relation to the appropriate register; and
(b) produces proof to the satisfaction of the Council that the main portion of his income, immediately before the appointed day, was earned from the practice of such profession or calling;
the Council shall, if application for registration is made by that person within six months from the appointed day, direct that the applicant—
(i) if he possesses qualifications which are considered by the Council to be equivalent to the qualifications referred to in paragraph (a), be registered in the appropriate register; or
(ii) if he does not possess qualifications referred to in subparagraph (i), be registered in a register established in terms of subsection (3) of section twenty-five of persons with adequate practical experience to practise that profession or calling.
(3) When a new register is established in terms of subsection (2) of section twenty-five in the case of a person who—
(a) immediately before the establishment of that new register, was practising in Zimbabwe in the profession or calling to which that new register relates; and
(b) does not possess the qualifications prescribed in relation to that new register; and
(c) produces proof to the satisfaction of the Council that the main portion of his income, immediately before the establishment of that new register, was earned from the practice of such profession or calling;
the Council shall, if application for registration is made by that person within six months from the date of the establishment of that new register, direct that the applicant—
(i) if he possesses qualifications which are considered by the Council to be equivalent to the qualifications referred to in paragraph (b), be registered in that new register; or
(ii) if he does not possess qualifications referred to in subparagraph (i), be registered in a register established in terms of subsection (3) of section twenty-five of persons with adequate experience to practise that profession or calling.
32 Qualifications for registration to be prescribed
The Council may from time to time prescribe the qualifications granted after examination by an examining authority in Zimbabwe which, when held singly or jointly with any other qualification, shall—
(a) qualify the holders thereof for registration on a register kept in terms of section twenty-five; and
(b) subject to this Part, entitle the holders thereof to registration if they have, before or in connection with or after the acquisition of the qualification, complied with such conditions or requirements as may be prescribed.
33 Procedure for registration

(1) Any person who wishes to be registered shall apply, in writing, to the Registrar and shall submit with his application—

(a) a certificate of any qualification on which he relies for registration or a certified photostat copy thereof:

Provided that a certificate showing his registration in the state or territory in which he qualified or a certified photostat copy thereof may be submitted if such certificate contains details of the qualifications on which registration was based; and

(b) if other practical experience or training is required in the state or territory in which he qualified before registration in that state or territory—

(i) evidence that such experience has been effected or such training has been carried out; or

(ii) a certificate of registration in that state or territory or a certified photostat copy thereof;

and

(c) such evidence of identity, of good character and reputation, of compliance with the conditions prescribed in terms of section thirty-two and of the authenticity and validity of the certificate submitted as the Council may require;

(d) the appropriate application fee:

Provided that, in the case of a person who wishes to be registered on a register kept in terms of section twenty-six, he shall submit with his application such particulars as may be required from time to time by the Council.

(2) The Council may require any statement in or in connection with an application in terms of subsection (1) to be supported by solemn declaration.

(3) If the Registrar is satisfied that the qualifications and particulars of documents submitted in terms of subsection (1) are in accordance with the requirements of this Part and that the appropriate application fee has been paid, he shall register the applicant in the appropriate register.

(4) If the Registrar is not satisfied that the qualification or the particulars or documents submitted with an application in terms of subsection (1) are in accordance with the requirements of this Part, he shall refer the application to the Council for decision.

(5) The Council may refuse to register an applicant if in its opinion the applicant, notwithstanding that he is otherwise qualified, is not a fit person to be registered by reason of—

(a) his physical or mental health; or

(b) the fact that he is not of good character and reputation; or

(c) the fact that he has not an adequate knowledge of the English language; or

(d) any conduct of his which, if he had been registered, would have constituted improper conduct or disgraceful conduct or conduct which, when regard is had to the profession or calling for which that person has applied to be registered, is improper or disgraceful:

Provided that, before refusing registration in terms of this paragraph, the Council shall refer the matter to the Disciplinary Committee and Part VII shall apply, mutatis mutandis, as if the applicant were registered on the register on which he has applied to be registered.

34 Register of house officers

(1) A person who—

(a) is the holder of a qualification which in terms of section thirty-two qualifies him for registration in the register of medical practitioners; and

(b) for the purpose of becoming entitled to registration in the register of medical practitioners wishes to undergo a period of internship or course of training or acquire experience as a resident practitioner at a hospital or institution in Zimbabwe
approved by the Council;
shall, subject to the provisions of this Part and if he satisfies the Registrar that he is or
will be employed at a hospital or institution referred to in paragraph (b) and that the
appropriate application fee has been paid, be entitled to be registered in the register of
house officers.
(2) A person who has been required in terms of subsection (2) of section thirty-six to
be registered on the register of house officers shall, subject to the provisions of this
Part and if he satisfies the Registrar that he is or will be employed at a hospital or
institution specified by the Council in terms of that subsection and that the
appropriate application fee has been paid, be entitled to be registered on the register of
house officers.
(3) A person registered in the register of house officers shall be deemed to be
registered on the register of medical practitioners in so far as is necessary—
(a) to enable him to be employed in the practice of medicine, surgery or
midwifery at the hospital or institution approved by the Council or, in the case of a
person referred to in subsection (2), specified by the Council in terms of subsection
(2) of section thirty-six; and
(b) for the purpose of any other enactment or such other purposes as the
President may specify, by notice in the Gazette, for the purposes of this subsection.
35 Register of vocational trainees, other than house officers
Any person who is required in terms of paragraph (b) of subsection (1) of section
thirty-two after the acquisition of any qualification to undergo a period of training
before he is entitled to registration on a register kept in terms of section twenty-five
shall, subject to this Part and if he satisfies the Registrar that he is being employed at
an institution or with an employer approved by the Council for the purpose and that
the appropriate application fee has been paid, be entitled to be registered in the
register of trainees appropriate to the profession or calling for which he intends to be
registered.
36 Provisional registration
(1) The Council may accept any qualification which has not been prescribed in terms
of section thirty-two as entitling the holder to be provisionally registered if, in all
other respects, he satisfies the conditions and requirements of this Part for registration
on a register kept in terms of section twenty-five:
Provided that the acceptance of a particular qualification for the provisional
registration of one person shall not confer any right to any form of registration on any
other person holding the same qualification.
(2) The Council may, as a condition of accepting any qualification for the purposes of
subsection (1) and before an applicant for provisional registration is provisionally
registered, require such applicant to be registered on the register of house officers for
the purpose of employment in the practice of medicine, surgery or midwifery at such
hospital or institution and for such period not exceeding thirty months as the Council
may specify.
(3) The Council may require an applicant for provisional registration as a condition of
such registration—
(a) to undertake a specified period of practice on the staff of a hospital or
other institution specified by the Council or with an employer approved by the
Council;
(b) to pass during the period of his provisional registration such
examination as the Council may specify.
(4) An application for provisional registration in terms of subsection (1) shall be
made in writing on the form supplied by the Registrar and shall be accompanied by
the appropriate fee prescribed.
(5) A person who is provisionally registered in terms of this section shall, subject to
this section, be deemed to be registered for the purposes of this Act.
(6) Subject to subsection (7), the initial period of provisional registration in terms of
this section shall be three years.

(7) If a person who is provisionally registered in terms of this section—
   (a) submits, not later than four months before the expiration of the period
       of his provisional registration, a written application together with the appropriate fee
       prescribed; and
   (b) has satisfied any conditions fixed by the Council in terms of
       subsection (2);
he shall be registered on the appropriate permanent register unless the Council
considers that he should remain provisionally registered in which case the Council
shall extend the period of his provisional registration for such period, not exceeding
one year at a time, and subject to such conditions as it thinks fit:
Provided that the period of provisional registration shall not be extended in terms of
this subsection beyond an additional three years.

(8) The Council may at any time cancel the provisional registration of any person:
Provided that before doing so the Council shall afford the person concerned an
opportunity of showing cause before the Council as to why the cancellation should
not be made.

(9) Any decision of the Council under this section shall be final and not subject to
appeal.

37 Registration of additional qualification
(1) Any registered person who obtains a qualification which is—
   (a) additional to that upon which he relied for registration in the first
       instance; and
   (b) a qualification that the Council has determined would be suitable for
       registration as an additional qualification;
may, upon payment of the appropriate application fee, have such other qualification
entered in the register.

(2) The Council may erase from the register any qualification registered in terms of
subsection (1) if the person concerned has, in respect of that qualification, had his
name removed from the roll, register or record of the university, hospital, college,
training school or institution, society or other body from which he received that
qualification.

38 Erasures from register
(1) The Council may direct the Registrar to erase from a register—
   (a) the name of any person who—
       (i) fails to pay any fee due in terms of section twenty-one on the date on
           which that fee becomes payable; or
       (ii) has failed within a period of six months after the date of an inquiry
           sent by the Registrar by registered letter to the address as shown in the register to
           notify the Registrar of his present address:
           Provided that if such registered letter is returned to the Registrar by
           reason of it being unclaimed or for any other reason, the Council may forthwith direct
           that the name of the person be erased from the register; or
       (iii) has requested that his name be removed from the register and, if so
           required by the Council, has lodged an affidavit that no disciplinary or criminal
           proceedings are being or are likely to be taken against him in connection with the
           practice of his profession or calling; or
       (iv) is resident or practising in Zimbabwe and whose name has been
           removed from the roll, register or record of any university, hospital, college, training
           school or institution, society or other body from which that person received the
           qualification upon the basis of which he was registered; or
       (v) has been registered by the Registrar in terms of subsection (3) of
           section thirty-three if the Council is satisfied that had the application been referred to
           it in terms of subsection (4) of that section it would have refused to register the
           applicant in terms of subsection (5) of that section:
Provided that the Council may not direct the erasure of the name of any person in terms of this subparagraph if a period of more than six months has elapsed since that person was registered by the Registrar;

or

(b) any entry which is proved to the satisfaction of the Council to have been made in error or through fraudulent representation or concealment of material facts or in circumstances not authorized by this Act.

(2) The name of a person shall be erased from—

(a) the register of house officers, register of vocational trainees or provisional register—

(i) when the person is registered on a permanent register kept in terms of subsection (1) or (2) of section twenty-five; or

(ii) on the expiration of the period of registration on such register;

(b) the provisional register on the cancellation of the registration of that person in terms of subsection (7) of section thirty-six.

(3) The Registrar shall erase from the register of house officers or register of vocational trainees, as the case may be, the name of a person who is registered on that register—

(a) who advises the Registrar that he is leaving Zimbabwe, whether after completion of his service as a house officer or trainee or otherwise; or

(b) on the expiration—

(i) in the case of a house officer, of thirty months; or

(ii) in the case of a trainee, of eighteen months;

from the date of his registration unless he satisfies the Registrar that due to illness or other cause the period of his training has been extended; or

(c) on the termination of the period of training which has been extended in the circumstances referred to in paragraph (b); or

(d) if the Council has instructed the Registrar in terms of this Act to erase the name of that person from the register.

(4) Before the Council directs an erasure to be made in terms of subparagraph (vi) of paragraph (a) or paragraph (b) of subsection (1) the Council shall, if possible, afford the person concerned an opportunity of showing cause before the Council as to why the erasure should not be made.

(5) A certificate of registration issued to a person whose name has been erased from the register in terms of this section shall be deemed to have been cancelled on the date of the erasure and the person concerned shall be deemed not to be registered with effect from that date.

39 Appeals against refusal to register or erasure from register

(1) Subject to subsection (8) of section thirty-six, a person, other than a person referred to in section sixty who is aggrieved by—

(a) the refusal of the Council to register him or any qualification or particular which he wishes to be registered in terms of this Act; or

(b) the erasure from a register of his name or of any qualification or particular which he considers he is entitled under this Act to have entered in a register;

may, after notice to the Council and within three months after the date on which notice is given to him by the Registrar of such refusal or erasure, appeal to the High Court in such manner as may be prescribed by rules of court made by the High Court against such refusal or erasure.

(2) On an appeal in terms of subsection (1) the High Court may—

(a) dismiss the appeal; or

(b) if it is of opinion that the Council has not acted in accordance with the provisions of this Act, make an order that the name of the appellant or the qualification or particular, as the case may be, be registered on the appropriate register; or
(c) remit the matter to the Council for further consideration; and may make such other order as to costs or otherwise as may to it seem just.

(3) Where the Council has refused to register an applicant on the grounds that, in its opinion, he is not a fit person to be registered for any of the reasons specified in subsection (5) of section thirty-three, the High Court may, if it thinks fit, notwithstanding the opinion of the Council, order that the appellant be registered.

PART VII
PRACTISING CERTIFICATES
40 Interpretation in Part VII
In this Part—
“designated health institution” means—
(a) any Government central, provincial or district hospital; or
(b) any private or mission hospital which provides consultancy services; or
(c) any University of Zimbabwe Medical School Teaching Hospital; or
(d) any other hospital or medical institution declared by the Practice Control Committee by notice in the Gazette to be a designated health institution;
“practising certificate” means a practising certificate which has been issued or renewed in terms of section forty-three.

41 Control of practices and professions
(1) No person who is registered in terms of this Act shall practise or carry on the business of the profession or calling for which he is registered—
(a) unless he is the holder of a valid practising certificate; and
(b) except in terms of and in accordance with such practising certificate.
(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

42 Application for practising certificates
Any person who wishes to obtain or renew a practising certificate shall apply to the Practice Control Committee in such form and manner as may be prescribed—
(a) where the application is for the issue of a practising certificate, at any time;
(b) where the application is for the renewal of a practising certificate, at least thirty days before it is due to expire.

43 Issue, renewal and refusal of practising certificates
(1) Subject to this section, upon an application being made to it for the issue or renewal of a practising certificate, the Practice Control Committee may—
(a) if satisfied that the applicant is registered in respect of the profession or calling concerned, grant the application and issue or renew the practising certificate, as may be appropriate; or
(b) refuse to grant the application.
(2) In issuing or renewing a practising certificate to any person, the Practice Control Committee may impose conditions restricting the person concerned—
(a) to employment in a designated health institution or to some other form of employment; or
(b) to a particular branch of the profession or calling concerned; or
(c) in any other way whatsoever, whether similar or not to the restrictions mentioned in paragraph (a) or (b); which the Practice Control Committee considers desirable in the public interest.
(3) The Practice Control Committee shall not refuse either to issue or to renew a practising certificate unless it has reasonable grounds for believing that the applicant concerned—
(a) is not registered in respect of the profession or calling concerned; or
(b) is not a fit and proper person to hold a practising certificate by reason of—
This Part shall apply to—

(a) all health institutions, including designated health institutions as defined in section forty; and

(b) any premises on which a pharmaceutical chemist practises or carries on business as such and which are licensed in terms of the Drugs and Allied Substances Control Act [Chapter 15:03]; and

(c) any premises on which a drug is manufactured and which are licensed in terms of the Drugs and Allied Substances Control Act [Chapter 15:03].

46 Register of Health Institutions

(1) The Practice Control Committee shall establish and cause to be maintained a Register of Health Institutions in which shall be recorded—

(a) such particulars of all registered health institutions as may be prescribed; and

(b) any conditions subject to which any health institution has been
registered; and
(c) the cancellation, suspension or renewal of the registration of any health institution.

(2) Any member of the public shall be entitled to inspect the Register, free of charge, at all reasonable times at the offices of the Council.

47 Health institutions to be registered
(1) No person shall carry on, and no health practitioner shall practise his profession or calling in or from any health institution—
(a) unless the health institution is registered; or
(b) where the health institution is registered, except in accordance with the terms and any conditions attaching to its registration.

(2) No person shall carry on, and no health practitioner of a class specified by the Practice Control Committee by notice in the Gazette shall practise his profession or calling in or from, any health institution of a class specified by the Practice Control Committee in such notice—
(a) unless the health institution is registered; or
(b) where the health institution is registered, except in accordance with the terms and any conditions attaching to its registration.

(3) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment, unless he proves that he had no reasonable grounds for suspecting that the health institution concerned was not registered or that he was contravening any term or condition of its registration.

48 Applications for registration
(1) An application for the registration of any health institution shall be made to the Practice Control Committee in the prescribed form and shall be accompanied by the prescribed fee, if any.

(2) On receipt of an application in terms of subsection (1), the Practice Control Committee may—
(a) cause such investigation or inquiry to be conducted as it considers necessary or desirable, including the hearing of evidence from the applicant; and
(b) where necessary, require the applicant to provide further particulars concerning the health institution concerned and the use to which it is to be put.

(3) Any person who, in an application in terms of subsection (1) or in response to any inquiry or request made in terms of subsection (2), makes any statement which he knows to be false or does not believe on reasonable grounds to be true shall be guilty of an offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

49 Consideration of applications for registration
(1) Upon an application being forwarded to it in terms of subsection (2) of section forty-eight, the Practice Control Committee shall authorize the registration of the health institution concerned unless it is satisfied that the application should be refused on any one or more of the following grounds—
(a) that the health institution does not comply with any standards prescribed for health institutions of the class concerned;
(b) that, because of its construction or location, the health institution is unsuitable for use as such;
(c) that the equipment or facilities or both to be provided in the health institution are inadequate or unsuitable;
(d) that the persons who will practise or be employed in the health institution are not suitably qualified;
(e) that it is not in the public or national interest for the health institution to be registered.
Subject to subsection (3), the Practice Control Committee may impose such conditions upon the registration of a health institution as it considers necessary or desirable in the interests of persons who will be treated at the institution or for whom the health institution will provide services.

Where the Practice Control Committee intends—

(a) to refuse to authorize the registration of a health institution; or
(b) to impose conditions upon the registration of a health institution;
it shall notify the applicant of its intention and the reasons therefor and invite the applicant to make representations to it within such period, being not less than fourteen days, as the Practice Control Committee may specify.

The Practice Control Committee shall take into account any representations made by an applicant in terms of subsection (3) before refusing to authorize the registration of any health institution or imposing conditions upon its registration.

Where the Practice Control Committee refuses to approve the registration of a health institution, it shall notify the applicant—

(a) of the refusal and of the reasons therefor; and
(b) that the applicant may, if he wishes, appeal to the Administrative Court in terms of section fifty-three.

Where the Practice Control Committee approves the registration of a health institution, it shall—

(a) cause the prescribed particulars of the health institution concerned to be entered in the Register, together with a note of any conditions imposed by it in terms of subsection (2); and
(b) cause the applicant to be issued with a registration certificate in the prescribed form showing the purposes for which the health institution is registered and any conditions imposed by it in terms of subsection (2).

The registration of a health institution shall remain in force until—

(a) any material change occurs in the prescribed particulars recorded in the Register in relation to that health institution; or
(b) the expiry of such period as may be prescribed in relation to the class of health institution concerned; or
(c) the registration is cancelled in terms of section fifty-one;
whichever occurs the earliest.

Sections forty-eight and forty-nine shall apply, mutatis mutandis, in relation to the renewal of the registration of health institutions in the same way as they apply to the registration of such institutions:
Provided that an application for such renewal shall be made within such period as may be prescribed and, pending the determination of the application, the registration of the health institution concerned shall remain in force.

If at any time the Practice Control Committee has reasonable grounds for believing that—

(a) any condition subject to which any health institution was registered has not been observed; or
(b) in relation to any registered health institution circumstances exist which would justify the refusal of an application for registration, were such an application to be made; or
(c) it would be in the interests of the public generally or a section thereof for the registration of any health institution, or any condition attaching to such registration, to be amended;
the Practice Control Committee shall give notice thereof in writing to the person who carries on the health institution.

A notice given in terms of subsection (1) shall—

(a) specify the grounds on which the Practice Control Committee’s
opinion is based; and

(b) state that the person to whom it is directed may, within one month after receiving it, submit to the Practice Control Committee any representations he may wish to make in the matter.

(3) If—

(a) no representations are submitted in terms of paragraph (b) of subsection (2); or

(b) after considering any representations submitted in terms of paragraph (b) of subsection (2), the Practice Control Committee is of the opinion that, for any reason referred to in subsection (1), the registration of the health institution concerned should be cancelled or amended, or any condition attaching to its registration should be amended;

the Practice Control Committee may cancel or amend the registration of the health institution or amend the condition, as the case may be, and shall cause—

(i) the necessary entries or alterations in the Register to be made; and

(ii) the person who carries on the health institution to be notified of the action it has taken and require him to return the registration certificate for alteration or cancellation, and inform him that he may, if he wishes, appeal to the Administrative Court in terms of section fifty-three.

52 Display and return of registration certificates

(1) Every person who carries on a registered health institution shall ensure that the registration certificate issued in respect of the health institution is displayed in a prominent place within the institution.

(2) Whenever the registration of a health institution is cancelled or amended or a condition attaching to its registration is amended, the person who carried or carries on such institution shall forthwith return the registration certificate to the Practice Control Committee for cancellation or alteration, as the case may be.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding five hundred dollars.

53 Appeals

Any person who is aggrieved by a decision of the Practice Control Committee in terms of this Part may, within a period of thirty days after the decision was communicated to him, appeal by notice in writing to the Administrative Court.

54 Existing health institutions

(1) In this section—

“fixed date”, in relation to—

(a) a health institution referred to in subsection (1) of section forty-seven, means the 1st September, 1992;

(b) any health institution required to be registered by notice in terms of subsection (2) of section forty-seven, means the 1st September, 1992.

(2) Any person who is lawfully carrying on a health institution immediately before the fixed date may continue to carry on that health institution, and any person may practise therein, for a period of six months after the fixed date in all respects as if that health institution were registered, pending the making of an application in terms of section forty-eight for the registration of that health institution.

(3) Where an application has been made for the registration of a health institution referred to in subsection (2) within the period specified in that subsection, the health institution may be carried on and any person may practise therein, in all respects as if it were registered until the application is finally determined.

PART IX

DISCIPLINE

55 Function of Disciplinary Committee

(1) Subject to this Act, the function of the Disciplinary Committee shall be to inquire into an allegation referred to in terms of section fifty-eight that a registered person—

(a) has been guilty of improper conduct or disgraceful conduct or conduct
which, when regard is had to the profession or calling of that person, is improper or
disgraceful; or
(b) is grossly incompetent or has performed any act pertaining to his
profession or calling in a grossly incompetent manner;
and to exercise the powers conferred by section fifty-nine.
(2) Before exercising its powers in terms of section fifty-nine with respect to any
person the Disciplinary Committee shall—
(a) cause to be served upon him a notice setting out the allegations against
him; and
(b) afford him a reasonable opportunity of being heard either by himself
or, if he so wishes, by a legal representative.
56 Taking of evidence by Disciplinary Committee
(1) For the purposes of an inquiry in terms of section fifty-five, the Disciplinary
Committee may take evidence and may—
(a) under the hand of the chairman or the Registrar summon witnesses
and require the production of any book, record, document or thing; and
(b) through the chairman administer an oath to any person; and
(c) examine any book, record, document or thing which a witness has
been required to produce.
(2) A summons for attendance before the Disciplinary Committee or for the
production to it of any book, record, document or thing shall be—
(a) as nearly as practicable in the form prescribed; and
(b) signed by the chairman or the Registrar; and
(c) served either by registered letter sent through the post or in the same
manner as it would be served if it were a subpoena issued by a magistrates court in
criminal proceedings.
(3) Any person who—
(a) has been summoned in terms of subsection (2) and—
(i) refuses or fails without sufficient cause to attend and give evidence
relevant to the inquiry at the time and place specified in the summons; or
(ii) refuses to be sworn when the chairman wishes to administer an oath
to him; or
(iii) refuses or fails without sufficient cause to produce any book, record,
document or thing which he has been required by that summons to produce;
or
(b) attends as a witness before the Disciplinary Committee and refuses to
answer or to answer fully and satisfactorily to the best of his knowledge and belief
any question lawfully put to him;
shall be guilty of an offence and liable to a fine not exceeding five thousand dollars:
Provided that a person referred to in this subsection shall be entitled to all the
privileges to which a witness subpoenaed to give evidence before the High Court is
entitled.
(4) Any person who gives false evidence on oath at an inquiry held in terms of this
Part, knowing such evidence to be false or not knowing or believing it to be true,
shall be guilty of an offence and liable to two years or to both such fine and such
imprisonment.
(5) The Disciplinary Committee shall, in any inquiry held by it in terms of this Part,
record the proceedings and any evidence heard by it and the decision made by it and
the reasons therefore.
57 Exercise of disciplinary powers on conviction for offence: court to forward
evidence
(1) A registered person who has been convicted within or outside Zimbabwe, whether
before, on or after the date of his registration, of an offence by a court of law shall be
liable to be dealt with by the Disciplinary Committee in accordance with the
provisions of this Part if the Disciplinary Committee is of opinion that such offence
constitutes—
(a) improper or disgraceful conduct; or
(b) conduct which, when regard is had to the profession or calling of that person, is improper or disgraceful.

(2) The Disciplinary Committee may, if it thinks fit on proof before it of a conviction referred to in subsection (1) and without hearing further evidence, deal with the convicted person in accordance with the provisions of this Part: Provided that the convicted person shall be afforded an opportunity of tendering, in writing or in person or by his legal representative as he may elect, an explanation to the Disciplinary Committee in extenuation of his conduct.

(3) Subject to the Courts and Adjudicating Authorities (Publicity Restriction) Act [Chapter 7:04], if, after the termination of proceedings before a court of law in Zimbabwe—
(a) it appears to the court that there is prima facie evidence of improper or disgraceful conduct on the part of a registered person, the court shall direct that a copy of the record of the proceedings or a copy of such part of the record of the proceedings as is material to the issue shall be transmitted to the council; or
(b) the Council requests that a record of the proceedings before a court of law in Zimbabwe or a part of such record be supplied to it on the grounds that it is of direct interest to the Council in the exercise of its functions under this Act, the registrar of the court shall transmit to the Council a copy of the record of the proceedings or a copy of such part of the record of the proceedings as is material.

58 Executive Committee to refer cases to Disciplinary Committee
(1) Whenever there is brought to the notice of the Executive Committee an allegation which might be the subject of inquiry by the Disciplinary Committee, the Executive Committee shall have power to call for information, to cause such investigation to be made as it thinks necessary and to seek such legal advice or other assistance as it may require.

(2) After investigation in terms of subsection (1) the Executive Committee shall refer the matter to the Disciplinary Committee for inquiry and may, if it thinks fit, arrange for the employment of a legal practitioner to present a charge on the evidence relating thereto at the inquiry:
Provided that—
(i) if the Executive Committee considers that—
(a) the conduct complained of would not, even if substantiated, constitute improper or disgraceful conduct; or
(b) for any other reason the allegation should not be the subject of inquiry by the Disciplinary Committee;
the Executive Committee shall take such other action as it deems fit and may, after first allowing the person concerned to make written representation, authorize the President of the Council to admonish that person and the Executive Committee shall report such action and the grounds therefor to the Council;
(ii) if the allegation forms or is likely to form the subject of criminal proceedings in a court of law, the Executive Committee may postpone referring the matter to the Disciplinary Committee until such criminal proceedings have been determined.

59 Exercise of disciplinary powers
(1) If after due inquiry the Disciplinary Committee decides that a registered person—
(a) has been guilty of improper conduct or disgraceful conduct or conduct which, when regard is had to the profession or calling of that person, is improper or disgraceful and that such conduct warrants the cancellation of his registration; or
(b) is grossly incompetent or has performed any act pertaining to his profession or calling in a grossly incompetent manner;
the Disciplinary Committee shall refer the matter to the Council for the removal of the name of such person from the register and may suspend him from practice
pending a final decision by the Council.

(2) If after due inquiry the Disciplinary Committee decides that the registered person has been guilty of improper conduct or disgraceful conduct or conduct which, when regard is had to his profession or calling, is improper or disgraceful but that such conduct does not warrant the cancellation of the registration of that person, the Disciplinary Committee shall do one or more of the following—

(a) order his suspension for a specified period from practise or performing acts specially pertaining to his profession or calling;
(b) impose such conditions as it deems fit subject to which he shall be entitled to carry on his profession or calling;
(c) order him to pay a penalty not exceeding five thousand dollars, which penalty shall be payable to the Council;
(d) order him to pay any costs or expenses of and incidental to the inquiry;
(e) censure him;
(f) caution him and postpone, for a period not exceeding three years, any further action against him on one or more conditions as to his future conduct, including the conduct or nature of his practice during that period.

(3) If at any time the Disciplinary Committee is satisfied that during the period of any postponement in terms of paragraph (f) of subsection (2) a registered person has not complied with the conditions imposed in terms of that paragraph, the Disciplinary Committee, after giving reasonable notice to the registered person concerned, may proceed further to do one or more of the things specified in subsection (2).

(4) If after an inquiry in terms of this Part the Disciplinary Committee has not referred the matter to the Council in terms of subsection (1), it shall report to the Council at its next meeting any action it has taken in terms of subsection (2) or (3).

(5) Where any matter has been referred to the Council in terms of subsection (1) the Council may—

(a) direct the Registrar to cancel the registration of the registered person and, if it thinks fit, order the person concerned to pay any costs or expenses of and incidental to the inquiry by the Disciplinary Committee;
(b) do one or more of the things specified in subsection (2) which the Disciplinary Committee could have done, and if the Council fixes any conditions in terms of paragraph (f) of subsection (2) subsection (3) shall apply as though the references therein to the Disciplinary Committee were references to the Council.

60 Appeals to High Court

(1) Any person who is aggrieved at the finding of or penalty imposed by the Council, Executive Committee or Disciplinary Committee under this Part may, within three months after the date of such finding or the imposition of such penalty, appeal to the High Court.

(2) On an appeal in terms of subsection (1) the High Court may—

(a) confirm, vary or set aside any finding or penalty of the Council, Executive Committee or Disciplinary Committee; or
(b) remit the matter to the Council, Executive Committee or Disciplinary Committee for further consideration;

and may make such other order as to costs or otherwise as may to it seem just:

Provided that the High Court shall not set aside any finding or penalty by reason only of any informality in the proceedings of the Council, Executive Committee or Disciplinary Committee which did not embarrass or prejudice the appellant in answering the charge or in the conduct of his defence.

(3) For the purposes of any appeal in terms of this section the court may, if it thinks expedient so to do, call in the aid of one or more assessors who are specially qualified and hear the appeal wholly or partly with their assistance but the decision of the court in such appeal shall be made or given by the judge or judges alone.

(4) The remuneration, if any, to be paid to an assessor called in terms of subsection
(3) shall be determined by the court.

61 Publication of result of disciplinary proceedings
(1) The Registrar shall, if so directed by the Council or Disciplinary Committee, cause to be printed and published in the Gazette the name of any person—
   (a) whose registration has been cancelled; or
   (b) who has been suspended from practice;

in terms of this Part.
(2) A notice published in terms of subsection (1) shall be prima facie evidence in all legal proceedings that—
   (a) the registration of the person specified in that notice has been cancelled; or
   (b) the person specified in that notice has been suspended from practice for the period specified in that notice;

as the case may be.

62 Council, Executive Committee or Disciplinary Committee not to be liable
(1) Save as is provided in this Act, no legal proceedings whether civil or criminal shall lie against the Council, Executive Committee or Disciplinary Committee or any member or officer thereof in respect of any act or duty performed in accordance with this Part.
(2) The Council shall not be responsible for any loss of earnings by a person as a result of action taken under this Part, whether by the Disciplinary Committee, the Executive Committee or the Council and whether or not the finding or penalty is subsequently varied or cancelled.

63 Improper or disgraceful conduct
(1) The Council may in regulations made in terms of section eighty-five—
   (a) define what, in the case of any class of registered persons, shall constitute improper or disgraceful conduct; and
   (b) provide for the manner in which complaints or charges against a registered person may be lodged; and
   (c) provide for any other matter incidental to the investigation of and inquiry into a complaint or charge against a registered person.
(2) If any registered person has counselled or knowingly been a party to the performance of any act in respect of which an unregistered person has been convicted of an offence under Part VIII, the conduct of such registered person shall, for the purposes of this Part, constitute improper or disgraceful conduct:
Provided that the provisions of this subsection shall not be construed as exempting such registered person from prosecution in a court of law for any offence which such conduct may constitute.
(3) Regulations referred to in subsection (1) shall not be deemed to limit the general power conferred on the Disciplinary Committee, the Executive Committee or the Council to inquire into allegations of improper or disgraceful conduct not covered by such regulations and to impose any penalty under this Part on any person guilty of such conduct.

64 Recovery by Council of costs
The Council may by action in a competent court recover any costs or penalty ordered in terms of this Part to be paid by a registered person.

PART VIII
DISABILITIES OF AND OFFENCES BY UNREGISTERED PERSONS
65 Remuneration not recoverable by unregistered persons
(1) No remuneration shall be recoverable in any court of law in respect of any act pertaining to a profession or calling in respect of which a register is kept in terms of subsection (1) or (2) of section twenty-five when performed by a person who is not registered on the appropriate register:
Provided that this section shall not apply in respect of an act pertaining to a profession or calling in respect of which—
(a) a designated register specified in the Second Schedule is kept, during the period of six months from the appointed day;

(b) a designated register not specified in the Second Schedule which is established after the appointed day is kept, during the period of six months from the date with effect from which that register is established.

(2) In subsection (1)—
“designated register” means a register as defined in subsection (4) of section seventy-three.

66 Certain certificates invalid if signed by unregistered person
No certificate required by law from any member of a profession or calling in respect of which a register is kept in terms of subsection (1) or (2) of section twenty-five shall be valid unless the person signing such certificate is registered on the appropriate register.

67 Proof required for issue of licences
No revenue or other licence which is required to be obtained by a registered person as such shall be issued by the authority empowered by law to issue such licence, whether such law is enacted before, on or after the appointed day, unless the person applying for such licence produces proof that he is registered on the appropriate register.

68 Unregistered persons practising as or representing themselves to be medical practitioners
(1) Subject to subsection (2) and of section seventy-five, any person who, not being registered as a medical practitioner—

(a) for gain, practises or carries on business as a medical practitioner, whether or not purporting to be registered, or performs or undertakes to perform any act specially pertaining to the practice of a medical practitioner; or

(b) pretends or, by any means whatsoever, holds himself out to be a medical practitioner, whether or not purporting to be registered; or

(c) uses the name of medical practitioner or any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses a degree, diploma or other qualification as a medical practitioner, doctor of medicine, physician or surgeon or that he is registered as a medical practitioner under this Act; shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) Paragraph (a) of subsection (1) shall not apply in relation to a body corporate which is—

(a) a local authority; or

(b) a body corporate which—

(i) employs a medical practitioner principally for the purpose of providing medical services for its employees; and

(ii) is exempted by the Minister, on the recommendation of the Council, by notice in the Gazette from the provisions of paragraph (a) of subsection (1).

(3) In paragraph (a) of subsection (2)—
“local authority” means—

(a) a city or municipal council, a town council or rural district council; or

(b) any other board or council constituted, established or appointed by or under an Act which the Minister, by notice in a statutory instrument, declares to be a local authority for the purposes of that paragraph.

69 Unregistered persons practising as or representing themselves to be dental surgeons
(1) Subject to subsections (3) and (4) and of sections seventy and seventy-five, any person who, not being registered as a dental practitioner—

(a) for gain practises or carries on business as a dental practitioner whether or not purporting to be registered, or performs or undertakes to perform any
act specially pertaining to the practice of dentistry; or
(b) pretends or, by any means whatsoever, holds himself out to be a
dental practitioner, whether or not purporting to be registered, or to be entitled to
practise dental surgery or to perform any act specially pertaining to the practice of
dentistry; or
(c) uses the name of dental practitioner or dentist or any name, title,
description or symbol indicating or calculated to lead persons to infer that he
possesses a degree, diploma or other qualification as a dental practitioner or dentist or
that he is registered as a dental practitioner or entitled to practise dentistry under this
Act; or
(d) advertises in any manner or by any means whatsoever to give advice
dentistry or in any act specially pertaining to the practice of dentistry;
shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or
to imprisonment for a period not exceeding two years or to both such fine and such
imprisonment.
(2) For the purposes of subsection (1), any act which falls within the provisions of
this subsection shall be regarded as an act specially pertaining to the practice of
dentistry—
(a) the performance of any operation and the treatment of any disease,
deficiencies or lesions on or of the human teeth or jaws, the correction of the
malpositions thereof and the performance of radiographic work in connection with
the human teeth or jaws;
(b) the giving of any anaesthetic in connection with any operation on the
human teeth or jaws;
(c) the making, repairing, alteration or supply of artificial dentures,
restoration dental appliances or other similar dental appliances;
(d) the taking in the mouth of any impression or bite with a view to the
making, repairing, alteration or supply of any artificial dentures, restorative dental
appliances or other similar dental appliances;
(e) the trying or fitting in the mouth of any artificial dentures, restorative
dental appliances or other similar dental appliances;
(f) the performance of any such operation, treatment, advice or
attendance as is usually performed or given by a dental practitioner or any operation,
treatment, advice or attendance preparatory to or for the purpose of or in connection
with the making, repairing, alteration, supplying, fitting, insertion or fixing of
artificial dentures, restorative dental appliances or other similar dental appliances;
(g) cleaning and polishing teeth;
(h) scaling teeth, that is to say, the removal of tartar deposits, accretions
and stains from those parts of the surfaces of the teeth which are exposed or which are
directly beneath the free margins of the gums, including the application of
medicaments appropriate thereto;
(i) the application to the teeth of solutions of sodium or stannous fluoride
or such other similar prophylactic solutions as the Council may from time to time
specify for the purposes of this paragraph in regulations made in terms of section
eighty-five.
(j) the application to the teeth of fissure sealants.
(3) Nothing in this section contained shall be construed as preventing—
(a) the—
(i) performance of any operation or the treatment of any disease,
deficiency or lesion of the jaws and soft tissue of the mouth; or
(ii) giving of any anaesthetic in connection with a dental operation; or
(iii) performance of any radiographic work;
by a registered medical practitioner in the ordinary course of his
practice;
(b) the extraction of a tooth—
(i) by a registered medical practitioner, where the services of a dental practitioner are not readily available; or
(ii) by any person where the case is urgent and no registered medical practitioner or dental practitioner is available and the operation is performed without the application of a local or general anaesthetic;
(c) the performance in any public service of dental work by any person in accordance with conditions approved by the Minister;
(d) the carrying on, in accordance with conditions approved by the Minister, of the practice of dental surgery at any hospital or other institution approved for the purposes of this paragraph by the Minister;
(e) the performance, in relation to the practice of dentistry, of any radiographic work at a hospital or nursing home or at the request or under the direction of a registered medical practitioner or dental practitioner;
(f) the making, repairing or alteration for gain of artificial dentures, restorative dental appliances or other similar dental appliances by any person who is registered as a dental technician:
Provided that nothing in this paragraph shall be construed as permitting a registered dental technician to perform an operation in the mouth of any person, including the taking of an impression or bite.

(4) Paragraph (a) of subsection (1) shall not apply in relation to a body corporate which is—
(a) a local authority; or
(b) a body corporate which—
(i) employs a dental practitioner principally for the purpose of providing dental services for its employees; and
(ii) is exempted by the Minister, on the recommendation of the Council, by notice in the Gazette, from the provisions of paragraph (a) of subsection (1);
(c) a body corporate—
(i) which was established prior to the 1st January, 1968; and
(ii) the directors and shareholders of which are all persons who—
A. are individually registered as dental practitioners; and
B. were directors or shareholders thereof prior to the 1st January, 1968; and
(iii) which had notified the registrar of the former Council in writing before the 1st October, 1968, that it was a body corporate in respect of which the provisions of paragraphs (a) and (b) of subsection (2) of section 41B of the repealed Act were applicable.

(5) In paragraph (a) of subsection (4)—
“local authority” means—
(a) a city or municipal council, a town council or a rural district council; or
(b) any other board or council constituted, established or appointed by or under an Act which the Minister, by notice in a statutory instrument, declares to be a local authority for the purposes of that paragraph.

70 Dental auxiliaries
(1) Where a register is kept in respect of a calling relating to the provision of dental services, the Council may, in regulations made in terms of section eighty-five, specify acts specially pertaining to the practice of dentistry which may be performed by persons who are registered on that register and, in so doing, may fix conditions subject to which such acts may be so performed, including, without derogation from the generality of the foregoing, the condition that the persons are employed by the State or a local authority as defined in subsection (5) of section sixty-nine.
(2) Notwithstanding section sixty-nine, a person who is registered on a register referred to in subsection (1) may perform or hold himself out to be entitled to perform
any act specified in regulations referred to in subsection (1) in relation to persons registered on that register if such acts are performed or to be performed in accordance with any conditions fixed in such regulations.

71 Unregistered persons practising as or representing themselves to be pharmaceutical chemists

(1) Subject to subsection (2) and section seventy-five—
   (a) any individual who, not being registered as a pharmaceutical chemist—
      (i) for gain, practises or carries on business as a pharmaceutical chemist, whether or not purporting to be registered; or
      (ii) pretends or by any means whatsoever holds himself out to be a pharmaceutical chemist, whether or not purporting to be registered; or
   (b) any person who, not being registered as a pharmaceutical chemist, uses the name of pharmacist, chemist, pharmaceutical chemist, chemist and druggist, druggist or pharmaceutist or any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses a degree, diploma or other qualification as a pharmaceutical chemist or that he is registered as a pharmaceutical chemist under this Act;

shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) Paragraph (b) of subsection (1) shall not apply in relation to—
   (a) a body corporate or partnership—
      (i) which was carrying on business immediately before the appointed day; and
      (ii) in respect of which the appropriate condition mentioned in paragraph (b) or (c) of subsection (1) of section 3 of the Pharmacy and Poisons Act [Chapter 215 of 1963] as in force immediately before the appointed day is complied with;
   or
   (b) a body corporate—
      (i) which is incorporated in terms of any law; and
      (ii) the majority of the directors of which are persons who are registered pharmaceutical chemists; and
      (iii) the holders of the majority in value of the shares in which are persons who are registered pharmaceutical chemists;
   or
   (c) a private company, if the control and management of that company is held by a person who is a registered pharmaceutical chemist or persons who are registered pharmaceutical chemists; or
   (d) a partnership, if the control and management of that partnership is held by a person who is a registered pharmaceutical chemist or persons who are registered pharmaceutical chemists.

72 Unregistered persons practising as or representing themselves to be opticians

(1) Subject to subsection (2) and of section seventy-five—
   (a) any individual who, not being registered as an optician—
      (i) for gain, practises or carries on business as an optician, whether or not purporting to be registered; or
      (ii) pretends or by any means whatsoever holds himself out to be an optician, whether or not purporting to be registered; or
   (b) any person who, not being registered as an optician, uses the name of optician or any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses a degree, diploma or other qualification as an optician or that he is registered as an optician under this Act;

shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or
to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) The provisions of paragraph (b) of subsection (1) shall not apply in relation to—
   (a) a body corporate or partnership which was carrying on business immediately before the appointed day; or
   (b) a body corporate—
      (i) which is incorporated in terms of any law; and
      (ii) the majority of the directors of which are persons who are registered opticians; and
   (iii) the holders of the majority in value of the shares in which are persons who are registered opticians;
   or
   (c) a private company, if the control and management of that company is held by a person who is a registered optician or persons who are registered opticians; or
   (d) a partnership, if the control and management of that partnership is held by a person who is a registered optician or persons who are registered opticians.

73 Unregistered persons practising as or representing themselves to be members of any other profession or calling in respect of which register is kept

(1) Subject to subsection (2), any person who, not being registered on the appropriate designated register—
   (a) for gain, practises the profession or calling in respect of which such designated register is kept, whether or not purporting to be registered; or
   (b) pretends or, by any means whatsoever, holds himself out to be a member of that profession or calling, whether or not purporting to be registered; or
   (c) uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is a member of that profession or calling or that he possesses a degree, diploma or other qualification in that profession or calling or that he is registered in respect of that profession or calling under this Act;
    shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) In the case of a person who practises or holds himself out to be a member of a profession or calling in respect of which—
   (a) a designated register specified in the Second Schedule is kept, subsection (1) shall not apply to that person during the period of six months from the appointed day:
    Provided that during that period any such person who, not being registered on the appropriate designated register, holds himself out to be so registered or uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is so registered shall be guilty of an offence and liable to the penalties provided in subsection (1);
   (b) a designated register not specified in the Second Schedule which is established after the appointed day is kept, subsection (1) shall not apply to that person during the period of six months from the date with effect from which that register is established:
    Provided that during that period any such person who, not being registered on the appropriate designated register, holds himself out to be so registered or uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is so registered shall be guilty of an offence and liable to the penalties provided in subsection (1).

(3) Any person who is registered on a designated register and wrongfully holds himself out to be qualified for registration or to be registered on any other designated register on which he is not registered shall be guilty of an offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding
two years or to both such fine and such imprisonment.

(4) In this section—
“designated register” means a register kept in terms of subsection (1) or (2) of section twenty-five, other than a register of medical practitioners, dental practitioners, pharmaceutical chemists or opticians.

74 Body corporate not to imply that it is registered

If any act is done by a body corporate or by any director, agent or servant thereof of such a nature or in such a manner as to be calculated to imply that the body corporate is registered under this Act or recognized by law as registered to practise a profession or calling in respect of which a register is kept in terms of this Act—

(a) the body corporate shall be guilty of an offence and liable to a fine not exceeding ten thousand dollars;

(b) in the case of an act done by a director, agent or servant of the body corporate, he shall also be guilty of an offence and liable to a fine not exceeding ten thousand dollars.

PART IX
GENERAL AND SUPPLEMENTARY

75 Exemptions from registration

(1) Notwithstanding anything to the contrary contained in this Act—

(a) if a registered medical practitioner or dental practitioner calls in as consultant a medical practitioner or dental practitioner who is neither resident nor registered in Zimbabwe, such consultant shall not be held to require registration in Zimbabwe in respect of his attendance upon the patient with respect to whom he has been called in consultation;

(b) a medical practitioner or dental practitioner who is neither resident nor registered in Zimbabwe and who is called into Zimbabwe on the bona fide request of a patient shall not be held to require registration in Zimbabwe in respect of his attendance on such patient;

(c) a person practising a profession or calling in respect of which a register is kept who is neither resident nor registered in Zimbabwe and who is appointed by the Council or other body approved by the Council to conduct an examination in Zimbabwe shall not be held to require registration in Zimbabwe in respect of his duties in connection with the conduct of such examination;

(d) a person practising a profession or calling in respect of which a register is kept who is—

(i) a member of a naval, military, air or police force of a country other than Zimbabwe and temporarily stationed on duty in Zimbabwe; or

(ii) a delegate of the International Committee of the Red Cross and has entered Zimbabwe with the consent of or at the invitation of the Government for the purpose of inspection;

shall not be held to require registration in Zimbabwe in respect of his duties as a member of that force or as such delegate, as the case may be;

(e) the Council may exempt from the provisions of this Act regarding registration any person not permanently resident in Zimbabwe who is engaged solely in teaching or in research work affecting any of the professions or callings in respect of which a register is kept for a period not exceeding four months and such exemption shall be valid for such period only as the Council may fix;

(f) the Minister may, by statutory instrument, declare that certain classes of persons specified in that notice may carry out for gain specified duties connected with the promotion of primary health-care notwithstanding that they are not registered in terms of this Act.

(2) Any prescription or order signed by a person exempted from registration in terms of subsection (1) and given by him in the course of his practice under that subsection, but not otherwise, shall, for the purposes of any law relating to drugs, have the same force and effect as a prescription or order signed by a registered person.
(3) The provisions of this Act shall not be construed as preventing the training of a student for a profession or calling in respect of which a register is kept.

76 Registered persons becoming unfit to practise

(1) Whenever there is brought to the notice of the Executive Committee an allegation that a registered person has—
(a) become mentally or physically disabled to such an extent that it would be contrary to the public welfare to allow him to continue to practise; or
(b) become unfit to purchase, acquire, keep, use, prescribe, order, supply or possess any drug; or
(c) been using a drug in contravention of any law relating to the use of drugs; or
(d) become addicted to or dependent upon the use of drugs;
the Executive Committee shall have power to call for information, to cause such investigation to be made as it thinks necessary and to seek such legal advice or other assistance as it may require and may thereafter, if it deems fit, refer the matter to a committee appointed in terms of paragraph (c) of subsection (1) of section thirteen for inquiry.

(2) Where a matter has been referred in terms of subsection (1) to a committee referred to in that subsection for inquiry, Part VII shall apply, mutatis mutandis, to such inquiry.

(3) In addition to the penalties which may be imposed in terms of section fifty-nine as read with subsection (2), the committee to which the matter has been referred may, in the case of a person to whom the provisions of paragraph (b), (c) or (d) of subsection (1) apply—
(a) prohibit such person for a specified period from purchasing, acquiring, keeping, using, prescribing, ordering, supplying or possessing any specified drug; or
(b) impose for a specified period such conditions as it deems fit subject to which such person shall be entitled to purchase, acquire, keep, use, prescribe, order, supply or possess any specified drug.

(4) The committee to which the matter has been referred may extend for any period determined by it the period of operation of, withdraw or in any other manner amend any order made under this section.

(5) A registered person who contravenes or fails to comply with an order made or condition imposed under this section shall be guilty of an offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years.

77 Cancellation of diploma or certificate of competency granted by Council

Whenever the Council orders the erasure from the register of the name of a registered person it may also cancel any diploma or certificate of competency granted to that person by the Council under this Act or by the former Council under the repealed Act.

78 Restoration to register

Where the name of a person has been erased from a register in terms of this Act, the Council may, if it thinks fit, authorize the restoration to the appropriate register of the name of that person:
Provided that in the case of a person whose name has been erased in terms of Part VII, the Council may direct that the name of the person shall not be restored before the expiration of such period as the Council may fix in that particular case.

79 Person suspended from practice to be deemed to be unregistered

A person who has been suspended under section fifty-nine or seventy-six shall, if his profession or calling is one which under this Act cannot be lawfully carried on by an unregistered person, be disqualified from carrying on his profession or calling and his registration certificate shall be deemed to be cancelled until the period of suspension has expired.

80 Burden of proof

In any criminal proceedings against any person upon a charge of having performed
any act which constitutes an offence under this Act, if performed by a person who is
not registered, the person charged shall be deemed to be not registered unless he
proves the contrary.
81 Personation of registered person or misrepresentation
(1) Any person who impersonates a registered person shall be guilty of an offence and
liable to a fine not exceeding five thousand dollars or to imprisonment for a period
not exceeding two years or to both such fine and such imprisonment.
(2) A registered person who takes, uses or publishes in any way whatsoever a name,
title, description or symbol indicating or calculated to lead any person to infer that he
possesses a qualification which relates to a profession or calling in respect of which a
register is kept and which is not shown in the register in connection with his name
shall be guilty of an offence.
82 False statements
Any person who makes any statement verbally or in writing to the Council or any
Committee thereof or in or in connection with any matter regulated by or under this
Act which he knows to be false or does not know or reasonably believe to be true
shall be guilty of an offence.
83 Use of designation of Member of Pharmaceutical Society
Any person who is not a member of the Pharmaceutical Society of Zimbabwe and
who takes or uses in connection with the sale of goods, whether by wholesale or by
retail, the designation “Member of the Pharmaceutical Society” or “Member of the
Pharmaceutical Society of Zimbabwe” or the initials “M.P.S.” shall be guilty of an
offence.
84 Notification of change of address or death
(1) A registered person who changes his address shall notify that fact to the Registrar
within one month after such change.
(2) If a registrar of births and deaths receives notice of a death which shows that the
deceased belonged to a profession or calling in respect of which a register is kept, he
shall forthwith notify the Registrar of such death.
(3) Any notice which is required by this Act to be served on a registered person shall
be deemed to have been properly served if it is sent by registered letter to his address
as shown in the register.
85 Regulatory powers of Council
(1) The Council may make regulations prescribing anything which under this Act is
to be prescribed or done by regulation or which, in the opinion of the Council, is
necessary or convenient to be prescribed for carrying out or giving effect to the
provisions of this Act.
(2) Regulations made in terms of subsection (1) may provide for—
   (a) the fees which shall be payable—
   (i) on an application for registration; or
   (ii) on an application for transfer from one register to another or for
        restoration to a register; or
   (iii) on an application for the registration of an additional qualification; or
   (iv) for the issue of a duplicate certificate of registration or certified
        extract from a register or other certificate issued by the Registrar;
   (b) the circumstances in which an application fee may be refunded to an
        applicant where he or the additional qualification, as the case may be, is not registered
        in accordance with his application;
   (c) the specification of distinctive uniforms, badges or tokens which may
        be worn or used only by persons registered under this Act;
   (d) the prohibition of the wearing or use of tokens or any colourable
        imitation of any such uniform, badge or token by any other person and the
        manufacture or sale or supply of such uniforms, badges or tokens or any colourable
        imitation thereof by any person other than a person approved for the purpose by the
        Council;
(e) the detailing of acts which are considered to be or not to be acts specially pertaining to a profession or calling in respect of which a register is kept in terms of subsection (1) or (2) of section twenty-five;
(f) the construction and location of health institutions and the equipment and facilities to be provided therein;
(g) the staffing and supervision of health institutions and the services that may be provided therein or therefrom;
(h) the keeping of records and the submission of reports by persons who carry on registered health institutions.

(3) Regulations made in terms of subsection (1) may provide penalties for a contravention thereof not exceeding a fine of three thousand dollars or imprisonment for a period not exceeding six months or both such fine and such imprisonment.

(4) Regulations made in terms of subsection (1) shall not have effect until they have been approved by the Minister and published in a statutory instrument.

86 General penalty
Any person who—

(a) is guilty of an offence in terms of this Act for which no specific penalty is provided elsewhere in this Act; or
(b) contravenes or fails to comply with—
(i) any conditions imposed in terms of paragraph (b) of subsection (2) or subsection (5) of section fifty-nine in relation to the carrying on of his profession or calling; or
(ii) a provision of the Act with which it is his duty to comply; shall be guilty of an offence and, if no specific penalty is provided for elsewhere in this Act; shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years.

87 President may amend certain references in enactments
Where—

(a) the name of a register kept in terms of subsection (1) or (2) of section twenty-five has been altered in terms of subsection (9) of that section; and
(b) in this Act or any other enactment there is a reference to that register under its old title or to persons registered as members of the profession or calling to which that register relates under the old title of that register; the President may, by order in a statutory instrument, amend the references mentioned in paragraph (b) so as to refer to the new title of that register.

88 Savings
Any regulations or rules made under the repealed Act which were in force immediately before the appointed day—

(a) shall remain in force unless in conflict with this Act and be deemed to be regulations made in terms of section eighty-five; and
(b) may be amended or repealed by regulations made in terms of section eighty-five.

FIRST SCHEDULE (Section 20)
POWERS OF COUNCIL
1. To acquire by lease, purchase or otherwise, immovable property and to construct buildings thereon.
2. To buy, take in exchange, hire or otherwise acquire movable property, including vehicles, necessary or convenient for the performance of the functions of the Council.
3. To maintain, alter and improve property of the Council.
4. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with property of the Council, or any part thereof, which is not required for the purposes of the Council for such consideration as the Council may determine.
5. To insure against losses, damages, risks and liabilities which the
Council may incur.

6. To invest, in such manner and on such security, if any, as the Council may determine, any funds of the Council which are not immediately required and to vary or realize any investment so made.

7. To borrow money to enable the Council to carry out any of its functions or to exercise any of its powers.

8. Generally, to do all such things as may be necessary, conducive or incidental to the exercise of the powers and the performance of the functions of the Council under this Act or any other enactment.

SECOND SCHEDULE (Sections 25, 31, 65 and 73)

PROFESSIONS AND CALLINGS

1. Medical practitioners.
2. Dental practitioners.
4. Opticians.
5. Nurses, including general nurses, fever nurses, psychiatric nurses, maternity nurses and enrolled nurses.
7. Physiotherapists.
11. Radiographers.
12. Medical laboratory technologists.
15. Dental hygienists.
17. Medical assistants.
18. Health assistants.
19. Maternity assistants.
20. Nursing assistants.