

CHAPTER 268

THE ALLIED HEALTH PROFESSIONALS ACT.

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CHAPTER 268

THE ALLIED HEALTH PROFESSIONALS ACT.

Commencement: 17 May, 1996.

An Act to provide for the regulation, supervision and control of the allied health professionals, and to provide for the establishment of a council to register and license the allied health professionals and for other connected matters.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “certificate” means a certificate issued under section 25;
- (b) “chairperson” means the chairperson of the council appointed under section 5;
- (c) “council” means the Allied Health Professionals Council established under section 2;
- (d) “Gazette” means *The Uganda Gazette* and includes the *Gazette Extraordinary*;
- (e) “Minister” means the Minister responsible for health;
- (f) “professional” means a person registered under section 24 as an allied health professional;
- (g) “register” means the register kept under section 24;
- (h) “registrar” means the registrar of the council appointed under section 11;
- (i) “supervisory authority” means a person appointed under section 48;
- (j) “unit” means the allied health unit registered under section 32.

PART II—ESTABLISHMENT, FUNCTIONS AND COMPOSITION OF THE COUNCIL AND THE BOARDS.

2. Establishment of the council.

There is established a council to be known as the Allied Health Professionals Council which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and, subject to

this Act, may do or suffer all other things and acts as bodies corporate do or suffer.

3. Seal of the council.

The seal of the council shall be such device as the council may determine and shall be authenticated in the manner provided under the Schedule to this Act.

4. Functions of the council.

The functions of the council shall be—

- (a) to regulate the standards of allied health professionals in the country;
- (b) to regulate the conduct of allied health professionals and to exercise disciplinary control over them;
- (c) to approve courses of study for allied health professionals;
- (d) to approve, supervise and regulate the training institutes for the different categories of allied health professionals;
- (e) to approve the qualifications awarded by the different institutes in respect of the different categories of the allied health professionals;
- (f) to supervise the registration of allied health professionals and the publication of the names of registered allied health professionals in the Gazette;
- (g) to advise and make recommendations to the Government on matters relating to the allied health professions;
- (h) to exercise general supervision and control over the allied health professions and to perform any other function relating to those professions or incidental to their practice; and
- (i) to perform any other functions conferred upon it under this Act or referred to it from time to time.

5. Composition of the council.

- (1) The council shall consist of—
 - (a) a chairperson who shall be a senior allied health professional appointed by the Minister;
 - (b) a representative of the director general of the health services;
 - (c) the assistant commissioner of health services responsible for allied health professionals;
 - (d) one person representing each of the following professions—

- (i) dentistry;
- (ii) pharmacy;
- (iii) clinical medicine;
- (iv) medical laboratory technology;
- (v) orthopaedic technology;
- (vi) physiotherapy;
- (vii) public health;
- (viii) radiography;
- (e) a representative of the Medical and Dental Practitioners Council;
- (f) a representative of the Nurses and Midwives Council;
- (g) one representative of all faculties of medicine of all universities established in Uganda by law; and
- (h) a representative of the National Drug Authority.

(2) The members of the council referred to in subsection (1) shall be appointed by the Minister in consultation with the professions or bodies they represent.

(3) The council shall make rules of procedure for the election of members representing the various disciplines of allied health professionals, and the Minister shall prescribe the procedure for the election of the initial members.

(4) No person shall be appointed or elected a member of the council if that person—

- (a) has been declared bankrupt or has entered into any composition with his or her creditors;
- (b) has been convicted of an offence involving moral turpitude;
- (c) is unable in the opinion of the Medical Board, by reason of infirmity of mind or body, to perform the duties of a member;
- (d) has been disqualified under this Act, the Nurses and Midwives Act or the Medical and Dental Practitioners Act from practising or carrying on the profession or calling.

(5) A member of the council, including the chairperson, shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment.

6. Vacation of office.

(1) A member of the council shall vacate office if that member—

- (a) becomes subject to any of the disqualifications under section 5(4);
- (b) by writing under the member's hand addressed to the Minister, resigns the membership of the council.

(2) If any member of the council dies, resigns, is removed from office or for any other reason ceases to hold office before the expiration of the term for which he or she was appointed, the Minister may appoint another person to take the place of that member in accordance with section 5(2), and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he or she was appointed.

7. Remuneration of members.

A member of the council or any other person attending a meeting of the council may be paid a remuneration or allowance that the council may, in consultation with the Minister, determine.

8. Meetings of the council.

(1) The Schedule to this Act shall have effect in relation to the meetings of the council and other related matters specified in that Schedule.

(2) The Minister may, in consultation with the council, by statutory instrument amend the Schedule to this Act.

9. Advisory boards.

(1) For purposes of advising the council on policy and other matters relating to the functions of the council, there shall be a board in respect of each of the allied professions as follows—

- (a) a dentistry board, to cater for public health dental officers and dental technologists;
- (b) a medical clinical officers board, to cater for medical clinical officers, anaesthetic clinical officers, ophthalmic clinical officers and psychiatric clinical officers;
- (c) a medical laboratory technology board, to cater for laboratory technologists and laboratory technicians;
- (d) a pharmacy board, to cater for dispensers;
- (e) an orthopaedic technology board, to cater for orthopaedic clinical officers and orthopaedic technicians;

- (f) a physiotherapy board, to cater for physiotherapists and occupational therapists;
- (g) a public health board, to cater for health inspectors, health assistants and assistant field officers for entomology; and
- (h) a radiography board, to cater for radiographers.

(2) Each board shall consist of—

- (a) not less than six and not more than nine persons elected by the various professions and approved by the council from among the registered members of the relevant profession;
- (b) the relevant heads of the training institutions approved under section 19; and
- (c) representatives of relevant departments from medical schools of universities established in Uganda by law.

(3) The functions of each of the boards shall be to advise the council on policy and other matters, including training, relating to the relevant allied profession of each board.

(4) A member of a board shall hold office for a period of three years from the date of appointment and shall be eligible for reappointment.

(5) A member of a board may resign office by writing under the member's hand addressed to the board chairperson or may be removed from office by the council for inability to perform the functions of the office of member of the board.

(6) Meetings of the council and the advisory boards shall be as is provided in the Schedule to this Act.

PART III—MANAGEMENT AND STAFF OF THE COUNCIL.

10. The secretariat.

The council shall have a secretariat to assist it in carrying out its functions under this Act.

11. Registrar of the council.

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

registered allied health professionals.

- (2) The office of registrar shall become vacant—
 - (a) if the registrar resigns office by writing addressed to the Health Service Commission;
 - (b) if, in the opinion of the council, the registrar becomes incapable of performing the duties of registrar by reason of infirmity of body or mind or other sufficient cause and is removed from office by the Health Service Commission; or
 - (c) if the registrar is found by the council guilty of professional misconduct.

12. Functions of the registrar.

(1) The registrar shall be the chief executive officer of the council and the head of the secretariat and as such shall—

- (a) keep and maintain the registers of the allied health professionals;
- (b) make necessary alterations and corrections in the registers in relation to any entry as may be directed by the council from time to time;
- (c) remove from any register—
 - (i) the name of any person ordered to be removed under this Act;
 - (ii) the name of a deceased professional;
 - (iii) any entry which may have been incorrectly or fraudulently made in the register; or
 - (iv) with the consent of the person concerned, the name of a person who has ceased to practise;
- (d) reinstate a name removed from the register for a specified period and at the request of the person concerned, after payment of the prescribed fee;
- (e) inspect and have full access, on behalf of the council, to all allied health units licensed under this Act;
- (f) implement the decisions of the council; and
- (g) perform any other duty or function that may be required under this Act or as the council may direct.

(2) The registrar shall be the secretary to the council and as such shall be responsible for recording all the minutes of the meetings of the council and its committees and shall keep custody of all records and documents of the council.

13. Deputy registrar.

(1) There shall be a deputy registrar who shall be a public officer appointed by the Health Service Commission from among the registered professionals.

(2) Section 11(2) shall apply to the deputy registrar.

(3) The deputy registrar shall carry out the duties that the registrar shall assign to him or her, and the deputy registrar may deputise the registrar in all his or her duties.

14. Other staff.

(1) The council shall have such other officers and employees as may be appointed by the council, and the officers and employees shall hold office on terms and conditions that shall be determined by the council.

(2) Public officers may be seconded to the council.

PART IV—FINANCIAL PROVISIONS.

15. Funds of the council.

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

- (a) money appropriated to the council by Parliament from time to time;
- (b) grants, gifts and donations to the council;
- (c) fees and other monies paid for services rendered by the council;
- (d) monies that may in any manner become payable to or vested in the council in pursuance of this Act or in relation or incidental to the carrying out of its functions.

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

16. Financial year.

The financial year of the council shall be the twelve months beginning from

the 1st day of July and ending on the 30th day of June.

17. Estimates.

(1) The council shall within three months before the end of each financial year prepare and submit to the Minister for his or her approval estimates of income and expenditure of the council for the next ensuing year and may, at any time before the end of a financial year, prepare and submit to the Minister for his or her approval any supplementary estimates.

(2) No expenditure shall be made out of the funds of the council unless that expenditure is part of the expenditure approved by the Minister under estimates for the financial year in which that expenditure is to be made or in estimates supplementary to that year's estimates.

18. Accounts and audit.

(1) The council shall keep proper books of account and shall prepare the annual financial statements of account for the immediately preceding financial year not later than three months into the following year.

(2) The annual accounts of the council shall be audited by the Auditor General or an auditor appointed by him or her.

(3) The council shall, within three months after the end of each financial year, submit—

- (a) to the Minister an annual report in respect of that year containing—
 - (i) financial statements;
 - (ii) a report on the operations of the council;
 - (iii) any other information that the Minister may, prior to the completion of the annual report or as otherwise supplementary thereto, direct in writing;
- (b) to the Auditor General—
 - (i) the accounts of the council for the financial year; and
 - (ii) the annual report referred to under paragraph (a).

(4) The Auditor General shall audit the accounts of the council within two months of the receipt thereof and submit his or her opinion on the accounts and the annual report to the Minister and the council.

(5) The Minister shall lay copies of the annual report together with a copy of the audited accounts before Parliament within three months after receipt of the annual report and the audited accounts.

PART V—REGISTRATION OF ALLIED HEALTH PROFESSIONALS.

19. Recognition of training institutions.

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

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

(3) The council may, at any time, if professional standards so require, withdraw its recognition under subsection (1); but the withdrawal shall not affect the registration of an already registered professional or his or her entitlement.

20. Approval of courses of study.

The council shall approve the courses of study for the different categories of the allied health professionals and the qualifications awarded to persons who pass the qualifying examination.

21. Eligibility for registration.

(1) A person holding any of the following qualifications awarded by any of the training institutions recognised under section 19 shall be eligible for registration in the appropriate discipline to which the qualifications relate—

- (a) a degree of Bachelor of Science in any of the disciplines of allied health professions awarded by a university established in Uganda by law;

- (b) a certificate or diploma in any of the disciplines of allied health professions;
- (c) an allied health qualification recognised under subsection (2).

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

22. Eligibility where qualifications not recognised.

(1) A person holding a qualification which is not recognised by the council may apply to the council, and the council may make arrangements for that person to attend an interview and sit for an oral or written examination or both for the purpose of having that qualification recognised by the council.

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

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

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

23. Application for registration.

(1) A person who qualifies to be registered as an allied health professional may apply to the council for registration; and if the council is satisfied that the applicant is eligible for registration, it shall authorise the registrar to enter that person's name on the appropriate register.

(2) An application for registration shall be in the prescribed form, and the application shall be accompanied by documentary proof of the qualifications of the applicant together with the prescribed fee.

(3) The registrar shall not register a person under section 21(2) whose name has been removed from the register in the country in which he or she had been registered.

24. Register of allied health professionals.

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

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

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

(3) Subject to subsection (1), the register shall be in the form prescribed by the council.

25. Certificate of registration.

On the registration of an allied health professional, the registrar shall issue to the person registered a certificate of registration in the prescribed form, sealed with the seal of the council.

26. Registration not a right to practise medicine.

Registration under this Act shall not confer upon any registered person under this Act a right under the Medical and Dental Practitioners Act—

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

27. Removal from the register.

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

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

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

28. Restoration of name after removal.

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

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

PART VI—LICENSING AND REGISTRATION FOR PRIVATE PRACTICE.

29. Professionals to engage in private practice.

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

- (a) dispensers to manage drug shops, compounding and preparation of mixtures as may be approved by the National Drug Authority;
- (b) medical clinical officers to manage some common health conditions approved between the council and the Medical and Dental Practitioners Council;
- (c) laboratory technologists to manage laboratory services approved between the council and the Medical and Dental Practitioners Council;
- (d) physiotherapists to manage physiotherapy services;

- (e) public health dental officers to manage common dental conditions approved between the council and the Medical and Dental Practitioners Council;
- (f) any other professionals, as may be declared by the Minister, on the advice of the council and the Medical and Dental Practitioners Council.

30. Private practice without a licence prohibited.

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

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

31. Licensing of private practice.

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

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

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

(4) No licence for private practice shall be granted under this section unless the council is satisfied that the applicant has for a period of not less than four years prior to the application under this section acquired experience by having rendered satisfactory service in full-time employment in a hospital or health unit approved by the council or has obtained equivalent experience in a similar institution.

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

(6) A licence renewed under subsection (5) shall not be issued subject to a condition which is less advantageous than that already attached unless

the person concerned has been given an opportunity of being heard by the council.

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

32. Registration of allied health units.

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

(2) The council may, after making such inquiry as it considers necessary, and after receiving a fee determined by the council, authorise the registration of the specific allied health unit; and upon registration the unit shall be licensed under this Act, and a licence shall be issued to the applicant.

(3) The licence for the private allied health unit issued under subsection (2) shall be valid for the calendar year in which it is issued and shall be subject to renewal for one year at a time.

33. Allied health units to be published in the Gazette.

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

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

34. Operation of private health units.

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

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

35. Inspection of health units.

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

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

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

36. Annual report by a licensed person.

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

(2) The supervisory authority shall, if satisfied with the transaction of the licensed person and the report made under subsection (1), issue a letter of competence to that licensed person; and the licensed person shall, before the 31st day of January each year, present the letter of competence together with the application for renewal to the registrar for the renewal of a practising licence.

PART VII—DISCIPLINARY PROVISIONS.

37. Disciplinary committee.

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

- (a) the chairperson appointed by the council from among its members who shall preside at all meetings of the committee;
- (b) three members appointed by the council from among its

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

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

38. Inquiry by the disciplinary committee.

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

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

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

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

(5) If at the time and place fixed for the inquiry the professional who is subject to an inquiry fails without reasonable excuse to appear and the

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

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

39. Power to summon witnesses.

(1) In any inquiry under section 38, the committee shall have the powers of the High Court to summon witnesses and to call for the production of books, plans and documents and to examine witnesses and parties on oath.

(2) Summons for the attendance of witnesses or other persons at any inquiry held under section 38 shall be signed by the registrar, and oaths and affirmations shall be authenticated at the inquiry by the person presiding over the committee.

40. Offences by witnesses.

(1) A person who, having been served with summons to attend and give evidence or to produce any book, plan or document at any inquiry held under section 38—

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

commits an offence.

(2) An inquiry under section 38 shall be deemed to be a suit or proceeding for the purposes of section 131 of the Evidence Act.

41. Disciplinary powers of the committee.

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

42. Proceedings to be recorded.

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

43. Notification of decision to person concerned.

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

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

44. Appeal from decision of the council.

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

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

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

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

PART VIII—MISCELLANEOUS PROVISIONS.

45. Committees of the council.

(1) For better carrying out its functions, the council may appoint such

committees composed of its members, or its members and other persons, as it may consider necessary.

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

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

46. Change of practising venue.

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

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

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

47. Additional qualifications.

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

48. Supervisory authority.

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

(2) It shall be the duty of a supervisory authority—

- (a) to exercise general supervision over the allied health professionals in accordance with the rules made under this Act;
- (b) to investigate charges of malpractice, negligence or misconduct against a professional and make a full report to the disciplinary

- committee of the facts and circumstances of the charge;
- (c) to suspend from practice for a period not exceeding three months and in accordance with rules made under this Act, any professional if suspension appears necessary; and the authority shall immediately after the suspension make a report, including the circumstances and reasons of the suspension, to the disciplinary committee;
- (d) to report to the disciplinary committee the name of any professional convicted of an offence and the nature of the offence committed as soon as possible after the conviction comes to the knowledge of the supervisory authority.

49. Notifications of the death of a professional.

The supervisory authority appointed under section 48 shall, on receiving information of the death of a registered professional, notify the registrar in writing of the death.

50. Publication prima facie evidence.

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

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

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

51. Charges.

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

52. Regulations.

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

- (a) prescribe the fees to be prescribed under this Act, including the fees payable for any registration under this Act;
- (b) prescribe the application forms that may be necessary;
- (c) prescribe any other form to be issued under this Act;
- (d) provide for the procedure of electing members to the council;
- (e) prescribe the form of the registers to be kept under this Act;
- (f) prescribe the form of application and other requirements for the registration of a person under this Act;
- (g) prescribe the examinations that may be taken under this Act;
- (h) provide the standards and grade of examinations for the issue of a certificate or diploma under this Act;
- (i) prescribe any other thing that may be prescribed under this Act.

53. Procuring registration by fraud.

A person commits an offence who—

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

54. Registered professional to undergo minimum continuing education.

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

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

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

55. Unregistered person passing off as registered.

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

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

56. Offences and penalties.

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

Schedule.

ss. 3, 8, 9(6).

Seal and meetings of the council and meetings of advisory boards.

1. Seal of the council.

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

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

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

2. Vice chairperson.

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

3. Meeting of the council.

(1) The council shall meet for the transaction of business at places and at times as may be decided upon by the council, but the council shall meet at least once every three months.

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

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

4. Quorum.

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

5. Decisions of the council.

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

6. Disclosure of interest.

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

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

- (a) be present during any deliberations on the matter by the council; or
- (b) take part in the decision of the council.

(3) For the purposes of the making of a determination by the council under subparagraph (2) in relation to a member who has made a disclosure under subparagraph (1), the member who has made the disclosure shall not—

- (a) be present during the deliberations of the council for the making of that determination; or
- (b) influence any other member or take part in the making by the council of the determination.

7. Minutes of meetings.

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

8. Council to regulate proceedings.

Subject to the Act and this Schedule, the council may regulate its own

proceedings.

9. Meetings of a board.

(1) The board shall meet at times and places that the board may decide; but a board shall meet at least once in two months.

(2) The quorum of a board shall be half of all members of the board.

(3) In all other aspects, the provisions of the meetings of the council shall apply to the meetings of a board.

History: Statute 10/1996.

Cross References

Evidence Act, Cap. 6.

Medical and Dental Practitioners Act, Cap. 272.

Nurses and Midwives Act, Cap. 274.

Penal Code Act, Cap. 120.
