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CHAPTER 255

MEDICAL AND DENTAL PRACTITIONERS

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Acts No. 44 of 1971, 2 of 1974, 31 of 1974, 24 of 1975.

AN ACT TO MAKE BETTER PROVISION FOR MEDICAL AND DENTAL
PRACTITIONERS AND TO INCORPORATE THE FIJI MEDICAL
ASSOCIATION AND THE FIJI DENTAL ASSOCIATION

[12th November, 1971.]

Short title

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

Interpretation

2. In this Act, unless the context otherwise requires—
 - “appropriate form” means a form approved by the Minister for use in any particular case pursuant to this Act;
 - “Council” means the Dental Council or the Medical Council, as the case may be;
 - “Dental Council” means the Fiji Dental Council;
 - “dental register” means the dental register to be kept by the Dental Council;
 - “Medical Council” means the Fiji Medical Council;
 - “medical register” means the medical register to be kept by the Medical Council;
 - “register” means the dental register or the medical register as the case may be;
 - “secretary” means the Secretary of the Councils.

Fiji Medical Council

- 3.—(1) There is hereby established a Council to be known as the Fiji Medical Council.

- (2) The Medical Council shall consist of—

- (a) the senior professional medical officer of the Ministry who shall be Chairman;
- (b) the Principal of the Fiji School of Medicine;
- (c) three registered medical practitioners to be appointed by the Fiji Medical Association;
- (d) one registered medical practitioner to represent medical practitioners in private practice to be appointed by the Minister after consultation with the senior professional medical officer of the Ministry and with the Fiji Medical Association;
- (e) one registered consultant medical practitioner to be appointed by the Minister after consultation with the registered consultants.

CHAPTER 255

MEDICAL AND DENTAL PRACTITIONERS

SECTION 40—ACUPUNCTURISTS, CHIROPRACTORS AND
CHIROPODISTS QUALIFICATION REGULATIONS

Regulations 4th March, 1976

Made by the Minister

Short title

1. These Regulations may be cited as the Acupuncturists, Chiropractors and Chiropodists Qualification Regulations.

Interpretation

2. In these Regulations, unless the context shall otherwise require, "Permanent Secretary" means the Permanent Secretary for Health.

Acupuncturists

3. Any person proposing to undertake the occupation, trade or business of an acupuncturist shall before so doing produce to the Permanent Secretary written evidence satisfactory to the Permanent Secretary that he is entitled to carry on business as an acupuncturist and—

- (a) is licensed as such in any of the states of the United States of America or in the United Kingdom, Australia, Canada or New Zealand; or
- (b) possesses a certificate from the health authorities in China, Hong Kong, Singapore, Taiwan or the Philippines to the effect that he has practised acupuncture in any of those countries for a period of not less than three years.

Chiropractors

4. Any person proposing to undertake the occupation, trade or business of a chiropractor shall before so doing produce to the Permanent Secretary written evidence satisfactory to the Permanent Secretary that he is entitled to carry on business as a chiropractor and is qualified as such in any of the states of Australia or of the United States of America or in Canada, New Zealand or the United Kingdom.

Chiropodists

5. Any person proposing to undertake the occupation, trade or business of a chiropodist shall before so doing produce to the Permanent Secretary written evidence satisfactory to the Permanent Secretary that he is entitled to carry on business as a chiropodist and is qualified as such in the United Kingdom, Canada or New Zealand or in any of the states of Australia or of the United States of America.

Offence

6. Any person who, without having satisfied the Permanent Secretary as to his qualifications to undertake the occupation, trade or business of an acupuncturist, a chiropractor or a chiropodist, performs, for reward, any act of acupuncture, chiropractic or chiropody, as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine of four hundred dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

Misconduct

7. In the event of any acupuncturist, chiropractor or chiropodist who, under these Regulations has satisfied the Permanent Secretary as to his qualifications, misconducting himself in his occupation, trade or business as such, the Permanent Secretary may, in his discretion, withdraw his recognition of that person's qualifications in which case that person shall cease to undertake that occupation, trade or business.

**SECTION 40—ACUPUNCTURISTS, CHIROPRACTORS AND
CHIROPODISTS REGULATIONS, 1976**

Regulations 6th April, 1976

Made by the Minister

Short title

1. These Regulations may be cited as the Acupuncturists, Chiropractors and Chiropodists Regulations.

Interpretation

2. In these Regulations unless the context otherwise requires—
“Registrar” means the Permanent Secretary for Health.

Registration

3.—(1) Before commencing the occupation, trade or business of an acupuncturist, chiropractor or chiropodist, a person who has the qualifications prescribed by the Acupuncturists, Chiropractors and Chiropodists (Qualification) Regulations, shall apply to the Registrar for registration as an acupuncturist, chiropractor or chiropodist, as may be appropriate, and, if the Registrar is satisfied as to such qualifications, he shall, on receipt of the prescribed fee, register that person in the Register of acupuncturists, chiropractors or chiropodists, as may be appropriate.

(2) Any such registration shall be for a period of one year and may be renewed, on payment of the prescribed fee, annually.

Register of patients

4. Each person registered under the provisions of regulation 3 shall keep a register of all patients treated by him together with notes of every case. This register and such case notes shall be open to inspection by the Registrar or by any person authorised by him in that behalf in writing.

Premises

5. The Registrar or any person authorised by him in writing may enter and inspect any premises used for the occupation, trade or business of acupuncture, chiropractic or chiropody.

Use of hospital facilities

6. Any person registered under the provisions of regulation 3 may, after obtaining the written approval of the Registrar and subject to such conditions as he may impose and to the provisions of the Public Hospital and Dispensaries Regulations, make use of radiological or pathological facilities afforded at a public hospital.

Offences

7.—(1) Any person who—

- (a) carries on the occupation, trade or business as an acupuncturist, chiropractor or chiropodist without being duly registered under the provisions of these Regulations; or
- (b) being registered under the provisions of these Regulations, fails to keep a register of patients or case notes or who obstructs the Registrar or any person authorised by him in the inspection thereof; or
- (c) being registered under the provisions of these Regulations, obstructs or in any way prevents the Registrar or any person authorised by him from inspecting the premises used for the occupation, trade or business as an acupuncturist, chiropractor or chiropodist,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who is convicted of an offence against either sub-paragraph (b) or (c) of paragraph (1) may, in addition to suffering the penalties specified in that paragraph, have his registration under these Regulations cancelled by the Registrar.

Appeals

8. Any person whose application for registration is refused by the Registrar under the provisions of regulation 3 or whose registration is cancelled by the Registrar under the provisions of paragraph (2) of regulation 7 may, within 21 days of the date of notification to him of such refusal or cancellation, appeal to the Supreme Court and on any such appeal the Court may make such order as it may think proper having regard to the merits of the case and the public welfare.

Fees.

9. The fees specified in the Schedule shall be charged in respect of the matters indicated therein.

SCHEDULE

	\$
On application for initial registration as an acupuncturist, chiropractor or chiropodist	5
On renewal of registration, annually	2

Controlled by the Ministry of Health

Fiji Dental Council

4.—(1) There is hereby established a Council to be known as the Fiji Dental Council.

(2) The Dental Council shall consist of—

- (a) the senior professional medical officer of the Ministry concerned with health matters who shall be Chairman;
- (b) the senior professional dental officer of the Ministry concerned with health matters who shall be Vice-Chairman;
- (c) the Principal of the Fiji School of Medicine;
- (d) a registered dental practitioner whose registration is dependent upon his being the holder of the Diploma of Dental Surgery of the Fiji School of Medicine, to be appointed by the Fiji Dental Association;
- (e) not more than three registered dental practitioners to represent dental practitioners in private practice to be appointed by the Minister after consultation with the senior professional dental officer of the Ministry and with the Fiji Dental Association.

Term of appointment

5.—(1) All members of the Medical Council and Dental Council shall hold appointment for a period of two years, and shall be eligible for re-appointment at the end of any term:

Provided that any member may at any time be removed from office by the Minister on the advice of the Council concerned for such cause as he may deem sufficient, or may at any time resign his appointment by notice in writing addressed to the Secretary.

(2) If any member of either Council dies, resigns, or is removed from office, the vacancy shall be filled in the manner in which the appointment to the vacant office was originally made and any person so appointed shall hold office for the remainder of the period for which his predecessor in office was appointed.

(3) The powers of the respective Councils shall not be affected by any vacancy in the membership of the Council.

Procedure of Councils

6.—(1) In the absence of the Chairman from any meeting of the Medical Council, the members present shall appoint from amongst the members present a deputy Chairman who shall for the purposes of such meeting have all the powers of the Chairman.

(2) In the absence of the Chairman from any meeting of the Dental Council, the Vice-Chairman shall act as deputy Chairman and shall for the purposes of such meeting have all the powers of the Chairman.

(3) In each Council the Chairman, or in his absence the deputy Chairman, and three members present in person shall form a quorum.

(4) Every question before a Council shall be determined by a majority of the votes of the members present.

(5) In each Council the Chairman shall have a deliberative vote and in the event of an equality of votes shall also have a casting vote.

(6) Subject to the provisions of this Act, each Council may regulate its own procedure.

Secretary to Councils

7.—(1) The Secretary to both Councils shall be a non-professional officer of the Ministry concerned with health matters and shall be appointed by the Minister and shall not himself be a member of either Council.

(2) The same person shall be Secretary to both Councils.

Medical register

8.—(1) The Medical Council shall form and keep in accordance with the requirements of this Act a register to be known as the medical register.

(2) The register shall be divided into two parts and the Council shall enter the name and qualifications together with any other particulars as the Council may require—

(a) in Part I, of persons conditionally registered as medical practitioners;

(b) in Part II, of persons registered as medical practitioners.

(3) The Medical Council shall also form and keep a roll of those registered medical practitioners who are in the possession of sufficient higher qualifications and/or post graduate experience to be entitled, in the opinion of the Council, to be deemed specialists or consultants and to style themselves as such.

Conditional registration of medical practitioners

9. Subject to the provisions of section 20, every person shall be entitled to be registered conditionally as a medical practitioner in the medical register who satisfies the Medical Council that he is the holder of a degree, diploma or other qualification which would, if any further qualifications required by the provisions of the Medical Act 1956 of the United Kingdom or any Act passed in substitution therefor were fulfilled, entitle him to be registered in the register kept in accordance with the registration of medical practitioners in the United Kingdom or the Republic of Ireland, or that he is the holder of a Diploma of Surgery and Medicine of the Fiji School of Medicine.

Effect of conditional registration

10. A person who is for the time being conditionally registered under section 9 shall be deemed to be a medical practitioner registered in Part II of the medical register only while he is a member of the staff of an institute or hospital which on the recommendation of the Council has been approved by the Minister by notice published in the Gazette.

Cancellation of conditional registration

11.—(1) The Medical Council may cancel the conditional registration of any person where it considers that he is not a fit person to be conditionally registered for any reason stated in section 20.

(2) The Council shall cancel the conditional registration of any person upon the registration of that person as a medical practitioner as hereinafter provided.

Registration as medical practitioner

12. Subject to the provisions of section 20, every person shall be entitled to be registered as a medical practitioner in Part II of the medical register—

(a) who satisfies the Medical Council that he has been conditionally registered or is eligible to be conditionally registered in Part I of the medical register and has had satisfactory experience of the practice of

- medicine and surgery for a total period of one year either in Fiji in an institution or hospital approved by the Minister under the provisions of section 10 or outside Fiji in an institution or hospital which, in the opinion of the Council, is at least of equal standard to any institution or hospital approved by the Minister as aforesaid or a combination of such experience in or outside Fiji; or
- (b) who satisfies the Council that he is eligible to be conditionally registered in Part I of the medical register under this Act and has practised medicine and surgery for a continuous period of five years since the date on which he obtained his degree, diploma or other qualification; or
- (c) who immediately prior to the commencement of this Act was registered as a medical practitioner or medical officer under Parts II or V of the register kept under section 6 of the Medical and Dental Practitioners Ordinance repealed by this Act. (Cap. 229, 1967 Edition.)

Dental register

13.—(1) The Dental Council shall form and keep a register to be known as the dental register.

(2) The Dental Council shall enter in the register the name and qualifications, together with any other particulars as the Dental Council may require, of persons registered as dental practitioners.

(3) The Dental Council shall also form and keep a roll of those registered dental practitioners who are in possession of sufficient higher qualifications or post-graduate experience to be entitled, in the opinion of that Council to be deemed specialists or consultants and to style themselves as such.

Registration as dental practitioner

14. Subject to the provisions of section 20, any person shall be entitled to be registered as a dental practitioner on the dental register—

- (a) who satisfies the Council that he holds a degree or diploma or other qualifications in dentistry which would enable him to be registered in the register kept by the General Dental Council of the United Kingdom established under the Dentists Act 1956 of the United Kingdom or any Act passed in substitution therefor;
- (b) who immediately prior to the commencement of this Act was registered as a dental practitioner in Part III of the register kept under section 6 of the Medical and Dental Practitioners Ordinance; or

(Cap. 229, 1967 Edition.)

- (c) who satisfies the Council that he is the holder of a Diploma of Dental Surgery of the Fiji School of Medicine.

Applications for registration

15.—(1) Every person who is entitled to be conditionally registered or registered under the provisions of this Act may make application in writing to the Secretary to be so registered and shall at the same time produce the document or documents confirming or evidencing the qualification or each of the qualifications in respect of which he seeks to be registered, and shall give notice of his application in such manner as may be prescribed.

(2) The Secretary shall, on receipt of such application and evidence, submit it to the relevant Council.

Consideration of applications for registration

16.—(1) At its first meeting after any application pursuant to the provisions of section 15 has been submitted to it or as soon thereafter as may be practicable, the Council concerned shall consider the application and shall give such directions to the Secretary in respect thereof as it thinks fit and as it is by this Act authorised.

(2) Before giving any such direction the Council may, if it thinks fit, examine on oath the person making the application or any person objecting to the application or any other person, with respect to the application, and for the purposes of any such examination the Chairman, for the purposes of any meeting of the Council concerned, may administer an oath to any person appearing before that meeting.

(3) The Council concerned may, if it thinks fit, require any person to verify by statutory declaration any statement by him with respect to any application before the Council or with respect to any objection to such application.

Decision of Council

17.—(1) If the Council concerned after considering any such application as aforesaid is of the opinion that the applicant is entitled to be registered in the manner specified in the application it shall so direct and the Secretary shall thereupon register the applicant in that manner and shall notify him accordingly.

(2) If the Council concerned after considering any such application as aforesaid is of opinion that the applicant is not entitled to be registered in the manner specified in the application it shall so direct and the Secretary shall notify the applicant accordingly.

Temporary registration

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

(a) the Chairman of the relevant Council may issue to a person who has applied for registration under this Act a temporary certificate of permission to practise in the appropriate form which shall entitle that person, pending consideration of his application by the Council concerned, to practise medicine and surgery in the case of a medical applicant and dentistry in the case of a dental applicant to the extent the applicant would be entitled if he had been registered in the manner specified in his application;

(b) every such certificate shall remain in force until cancelled by the Council concerned;

Provided that no such certificate shall in any case remain in force or a longer period than three months from the date of issue.

(2) The relevant Council may issue to a person not normally resident in Fiji a temporary certificate of permission to practise in the appropriate form which shall entitle that person to practise medicine and surgery in the case of a medical applicant or dentistry in the case of a dental applicant to the extent specified in such certificate:

Provided that—

(a) such person as aforesaid shall, in the opinion of the relevant Council, be qualified to practise medicine and surgery or dentistry as the case

may be in any country or territory of the Commonwealth or in any foreign country;

- (b) such certificate as aforesaid shall remain in force to the extent specified for the time specified therein not being longer than one year and shall be subject to such conditions as the Council may think fit, including any condition in relation to the limitation of practising medicine and surgery or dentistry respectively as the respective Council may specify;
- (c) subject to the provisions of this subsection, such certificate as aforesaid may, upon written application, be renewed by the relevant Council on one occasion only and for not longer than one year.

Qualifications

19.—(1) Notwithstanding anything to the contrary in this Act, the Medical and Dental Councils may permit the registration in the appropriate part of the respective registers of any citizen of Fiji who, not being qualified for registration under the provisions of sections 9, 12 or 14, is the holder of a medical or dental qualification cited in the Schedule obtained from a university or institution cited in such Schedule in a country or state without reciprocal registration arrangements with the General Medical Council or General Dental Council of the United Kingdom and which medical or dental qualification is in the opinion of the relevant Council at least of equal standard to the qualifications required for registration by the General Medical Council or General Dental Council of the United Kingdom.

(2) The Minister acting upon the advice of the Council concerned may at any time by notice published in the Gazette add to or amend the Schedule.

Persons not entitled as of right to registration

20. No person shall be entitled as of right to be registered under this Act if—
- (a) he has at any time been convicted of an offence punishable by imprisonment for a term of two years or upwards; or
 - (b) he is otherwise in the opinion of the Council not of good fame and character.

Certificate of registration

21. The Secretary shall on application in that behalf being made to him at any time by a person registered in accordance with the provisions of this Act and on payment of the prescribed fee issue to that person a certificate of registration in the appropriate form.

Removal from register

22.—(1) The Secretary may at any time, and shall if either Council so directs, send to any person whose name appears in the register maintained by that Council by registered letter addressed to him at his address as it appears in the register, an inquiry as to whether he desires to have his name retained in the register or has ceased to practise.

(2) If no reply to such letter is received within six months from the date of posting thereof, or if the letter is not delivered and is returned to the Secretary, the Secretary shall, if the Council concerned so directs, remove from the register the name of the person to whom the letter was sent.

(3) If either Council is satisfied that any person whose name appears in the register maintained by that Council has died or has permanently left Fiji, it shall

direct the Secretary to delete the name of that person from the register and the Secretary shall delete that name accordingly.

(4) Any person whose name has been removed from either register in pursuance of this section may apply to the Secretary to have his name restored to the register and if the relevant Council is satisfied that his name has been removed in error it shall direct the Secretary to restore the name of that person to the register and the Secretary shall restore that name accordingly.

False representation, etc.

23.—(1) If any person's name has been entered in either register by reason of any false or fraudulent representation or declaration, made either orally or in writing, the Council concerned shall cause the name of that person to be deleted from the register.

(2) If the qualifications or any other particulars appearing in either register in respect of any person are proved to the satisfaction of the Council concerned to be or are to the knowledge of the Council false or erroneous in any respect the Council shall direct the Secretary to delete those particulars from the register and the Secretary shall thereupon amend the register accordingly.

Further qualifications

24. Any registered medical or dental practitioner who obtains any medical surgical or dental degree, diploma or other qualification other than that by virtue of which he was registered may apply to the relevant Council to amend the register so far as it relates to the qualifications of that person; and on any such application the Council concerned shall, if satisfied that the applicant is entitled to the degree, diploma or other qualification in respect of which the application is made and that the degree, diploma or other qualification in respect of which the application is made is of sufficient standing to warrant its being entered in the appropriate register, direct the Secretary to amend the said register accordingly and the Secretary shall thereupon insert in that register particulars as to that degree, diploma or other medical or dental qualification.

Removal from register overseas

25. If the Council concerned is satisfied that the name of any person who has been registered has since been deleted, struck off, erased or otherwise removed from any register of medical or dental practitioners in the United Kingdom or elsewhere in the Commonwealth, or in the Republic of Ireland, or in any country in which the person was granted the degree, diploma or other qualification by virtue of which he was registered, it may if it thinks fit direct the Secretary to delete that person's name from the appropriate register and the Secretary shall thereupon delete that name accordingly.

Practitioners employed by Government

26. No medical or dental practitioner in the employ of the Government of Fiji shall be entitled to or accept any fee, remuneration or reward in respect of any services performed by him relating to the practice of medicine, surgery or dentistry other than his emoluments as an officer of the Government of Fiji except as may be stipulated by the senior professional medical officer of the Ministry concerned with health matters with the approval of the Minister.

Misconduct

27.—(1) If any person who is registered in any part of the register is convicted of an offence punishable by imprisonment for a term of two years or upwards or is after due inquiry judged by the Council concerned to have been guilty of professional misconduct the Council may, if it sees fit, order that the name of any such person be deleted from the register and the Secretary shall forthwith delete that name and notify the person affected.

(2) Notwithstanding the provisions of subsection (1), the Council may, instead of ordering that the names of any person be deleted from the register, issue a reprimand or warning to such person.

(3) In directing that a person's name shall be deleted from the register the relevant Council may, if it sees fit, specify a period on the expiration of which such person may again apply to be registered under the provisions of this Act.

(4) An order made by either Council under this section or under section 36 shall not take effect in any case until the expiration of twenty-one days after the date of the order and, if within that period, the person affected gives due notice of intention to appeal against the order, shall not take effect until and unless it is confirmed by the Supreme Court or the appeal is for any reason dismissed by that Court.

Appeals

28. Any person whose application for registration is refused under the provisions of section 17 or whose conditional registration is cancelled under the provisions of subsection (1) of section 11 or whose name has been deleted from the register under sections 23, 25 or 27 may, within twenty-one days of the date of notification to him of such refusal, cancellation or deletion, appeal to the Supreme Court and on any such appeal the Court may make such order as it thinks proper having regard to the merits of the case and the public welfare.

Further applications for registration

29.—(1) Where a person's application for registration under the provisions of section 17 has been refused or a person's conditional registration has been cancelled under the provisions of subsection (1) of section 11 or a person's name has been deleted from the register under sections 23, 25 or 27, the Council concerned may, subject to any order made under subsection (2) of section 27 or any order made by the Supreme Court on an appeal under the provisions of section 28 refuse to consider any further application for registration by such person for such time as it thinks fit.

(2) Any person aggrieved by a refusal of either Council to consider an application may appeal to the Supreme Court for an order directing the Council concerned to consider the application and thereupon the court may make such order on the matter as it thinks fit.

Practitioners with certain qualifications

30.—(1) Subject to the provisions of subsection (2), if any person whose registration in either part of the medical register or in the dental register is dependent upon his being the holder of the Diploma of Surgery and Medicine or the Diploma of Dental Surgery respectively of the Fiji School of Medicine ceases to be employed by the Government whether by reason of dismissal, resignation or retirement, the Chairman of the relevant Council concerned shall cause the fact to

be communicated to the Secretary who shall thereupon delete the name of the person from the register in question.

(2) Any person who, after becoming the holder of either of the diplomas referred to in subsection (1), ceases to be employed by the Government for any of the reasons mentioned in that subsection after having served in Fiji for an aggregate of not less than six years residential service may apply to the relevant Council to be retained on the register in question and the Council may, subject to such conditions as it sees fit to impose, permit the name of such person to remain on the register whereupon that person shall be entitled to enter into private practice.

(3) Any person who, after becoming the holder of either of the diplomas referred to in subsection (1), has had his name deleted from the register under the provisions of that subsection may apply to the relevant Council for his name to be restored to the register in question and the Council may, subject to the provisions of section 20 and to any conditions which the Council may see fit to impose, restore the name of such person to the register whereupon that person shall be entitled to enter into private practice. (*Section substituted by 31 of 1974, s. 2.*)

Re-employment by Government

31. Any person whose name has been deleted from either register in accordance with the provisions of subsection (1) of section 30 may in being re-employed by the Government apply to be registered again under the provisions of this Act. (*Amended by 31 of 1974, s. 3.*)

Admission to mental hospital

32.—(1) If any person who is registered under this Act is admitted to or confined in a mental hospital under any of the provisions of—

(a) Part II of the Mental Treatment Act; (*Cap. 113.*)

(b) the Criminal Procedure Code; or (*Cap. 21.*)

(c) any law for the time being in force relating to prisons,
he shall thereupon be deemed to have ceased to be so registered.

(2) Any person who has ceased to be registered under this Act by virtue of the provisions of subsection (1) shall not again be registered unless he satisfies the appropriate Council that his mental condition warrants such registration.

Publication of registers

33. The Secretary shall, in the month of January in each year, cause to be published in the Gazette the names, qualifications and dates of registration or enrolment of all persons whose names are entered in the medical register or dental register, or who are enrolled on the rolls of specialists or consultants, kept by each of the Councils under the provisions of this Act, during the preceding year.

Offences

34.—(1) Every person commits an offence and shall be liable upon conviction to a fine not exceeding one thousand dollars or imprisonment for any term not exceeding twelve months or to both such fine and imprisonment who, not being registered or deemed to be registered as a medical practitioner—

(a) practises, professes to practise or publishes his name as practising medicine or surgery or any branch of medicine or surgery; or

(b) wilfully and falsely takes or uses the name or style of a physician, surgeon, doctor, licentiate in medicine or surgery, bachelor of

medicine or medical practitioner or any name, title, addition or description implying that he holds any diploma or degree in medicine or surgery or in any branch of medicine or surgery or is otherwise specially qualified to practise medicine or surgery or any branch of medicine or surgery:

Provided that it shall not be an offence under this subsection for a person registered as a dental practitioner to take or use the courtesy name or style of doctor. (*Proviso inserted by Act 2 of 1974, s. 2.*)

(2) Every person commits an offence and shall be liable upon conviction to a fine not exceeding \$500 or imprisonment for any term not exceeding six months or to both such fine and imprisonment who, not being registered as a dental practitioner—

- (a) practises, professes to practise or publishes his name as practising dentistry or any branch of dentistry; or
- (b) wilfully and falsely takes or uses the name or the style of a dentist, dental surgeon, licentiate in dentistry, doctor or bachelor of dentistry or dental practitioner or any name, title, addition or description implying that he holds any diploma or degree in dentistry or in any branch of dentistry or is otherwise specially qualified to practise dentistry or any branch of dentistry.

Charges not recoverable by persons not registered

35.—(1) No person shall be entitled to recover any charge in any court of law in Fiji for any medical or surgical advice or attendance, or for the performance of any operation, or for any medicine which he has both prescribed and supplied, unless he was registered or deemed to be registered as a medical practitioner in Part II of the medical register at the time when the charge in respect of which the action is brought was incurred.

(2) No person shall be entitled to recover any charge in any court of law in Fiji for any dental advice or attendance or for the performance of any dental operation unless he was a registered dental practitioner at the time when the charge in respect of which the action is brought was incurred.

Complaints

36. Any complaint as to the conduct of a medical or dental practitioner in his professional capacity or in relation to professional matters concerning the medical or dental professions in Fiji, may be investigated by the relevant Council which may, if it thinks fit, hold a formal inquiry into the complaint.

Inquiries

37.—(1) Where an inquiry is held by the relevant Council under the provisions of section 27 or 36, such Council may, by notice in writing, require any person to attend and give evidence at such inquiry relating to the subject matter of the inquiry.

(2) The relevant Council may require evidence to be given on oath, either orally or in writing, and for that purpose the Chairman of the Council may administer an oath.

(3) Every person who, without lawful justification, refuses or fails to attend and give evidence when required to do so by the relevant Council or to answer truly and fully any question put to him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

(4) The hearing of an inquiry under the provisions of sections 27 or 37 shall, for the purpose of Chapter XII of the Penal Code, be deemed to be a judicial proceeding. (Cap. 17.)

Consultants and specialists

38.—(1) No person registered as a medical practitioner shall be entitled to style himself a consultant or specialist or purport to be a consultant or specialist in any branch of medicine or surgery unless his name is included in the roll of specialists maintained by the Medical Council under the provisions of subsection (3) of section 8.

(2) No person registered as a dental practitioner shall be entitled to style himself a consultant or specialist or purport to be a consultant or specialist in any branch of dentistry unless his name is included in the roll of specialists maintained by the Dental Council under the provisions of subsection (3) of section 13.

(3) If any person, after due inquiry, is judged by the Council concerned to have contravened any of the provisions of this section, that Council may, if it sees fit, order that the name of any such person be deleted from the register and the Secretary shall forthwith delete that name and notify the person affected.

Regulations

39. Either Council may, with the approval of the Minister, make regulations providing generally for the better carrying out of this Act and for prescribing anything which may be prescribed.

Other occupations

40.—(1) Nothing in this Act shall affect the lawful occupation, trade or business of any registered pharmacist, pharmaceutical chemist, dental hygienist, mid-wife or nurse, or of any qualified physiotherapist.

(2) Nothing in this Act shall affect the lawful occupation, trade or business of, or the use of any name or style by, an optometrist, chiropractor, acupuncturist or chiropodist who possesses such minimum qualifications and experience as may be prescribed by the Minister by regulations made under this subsection.

(3) The Minister may make regulations prescribing the fees to be paid, and a register of patients to be kept, by any person practising the occupation, trade or business of an optometrist, chiropractor, acupuncturist or chiropodist and generally for the purpose of regulating the practice and conduct of such occupation, trade or business. (Section substituted by Act 24 of 1975, s. 2; amended by Act 7 of 1984.)

Establishment of Fiji Medical Association

41.—(1) There is hereby established an association under the name of the Fiji Medical Association, with perpetual succession and a common seal.

(2) The Fiji Medical Association shall have power to hold real and personal property and may sue and be sued in matters whether relating to contract or tort or otherwise in connection with the exercise of its powers or the carrying out of its functions under this Act.

(3) Membership of the Fiji Medical Association shall be open to every person who is registered as a medical practitioner in Part II of the medical register.

(4) The Fiji Medical Association may make rules for the election of officers of the Association, the summoning of meetings of the Association, the regulation and

conduct of meetings and the proceedings thereat and for all such matters as may be deemed necessary and proper to ensure the efficient functioning of the Association:

Provided that until any such rules are made, the rules of the association hitherto known as the Fiji Medical Association in force immediately prior to the commencement of this Act shall be the rules of the Fiji Medical Association established by this Act.

Objects of Fiji Medical Association

42. The objects for which the Fiji Medical Association is established are—
- (a) to maintain and improve the standards of conduct and learning of the medical profession in Fiji;
 - (b) to promote the welfare and to preserve and maintain the integrity and status of the medical profession;
 - (c) to represent the views, interests and wishes of the medical profession;
 - (d) to represent, protect and assist members of the medical profession in Fiji as regards conditions of practice and otherwise;
 - (e) to settle points of practice and to provide means for the amicable settlement of professional differences;
 - (f) to protect and assist the public and the medical profession in all matters touching, ancillary or incidental to the practice of medicine;
 - (g) to assist needy members and former members of the Fiji Medical Association or their relatives and the relatives of deceased members;
 - (h) to acquire, hold, develop or dispose of property of all kinds, whether real or personal, and to derive capital or income therefrom, for all or any of the foregoing objects;
 - (i) to raise or borrow money for all or any of the foregoing objects in such manner and upon such security as may from time to time be determined by the Fiji Medical Association;
 - (j) to invest and deal with moneys of the Fiji Medical Association not immediately required in such manner as may from time to time be determined by the said Association;
 - (k) to pay the whole or any part of the expenses incurred by members in attending meetings of the Fiji Medical Association or of any committee appointed by the said Association;
 - (l) to pay all costs and other payments incidental to or connected with the discharge of any function of the Fiji Medical Association;
 - (m) to cultivate a generous professional spirit among medical practitioners by encouraging meetings of members of the Fiji Medical Association and persons connected with matters of medical interest;
 - (n) to do all such other things as are incidental or conducive to the attainment of the foregoing objects or any of them.

Assets, etc. of former Association

43. All property, assets and liabilities of the association hitherto known as the Fiji Medical Association shall be and are hereby as at the commencement of this Act, vested in the Fiji Medical Association, and as soon as all formalities connected with the transfer of all such property and assets as aforesaid to the Fiji Medical Association shall be declared by the Secretary of the existing Association to have been completed, the existing Association shall automatically be dissolved and any levy or other such moneys due and owing to the existing Association shall be paid to and be recoverable by the Fiji Medical Association established under this Act.

Establishment of Fiji Dental Association

44.—(1) There is hereby established an association under the name of the Fiji Dental Association, with perpetual succession and a common seal.

(2) The Fiji Dental Association shall have power to hold real and personal property and may sue and be sued in matters whether relating to contract or tort or otherwise in connection with the exercise of its powers or the carrying out of its functions under this Act.

(3) Membership of the Fiji Dental Association shall be open to every person who is registered as a dental practitioner in the dental register.

(4) The Fiji Dental Association may make rules for the election of officers of the Association, the summoning of meetings of the Association, the regulation and conduct of meetings and the proceedings thereat and for all such matters as may be deemed necessary and proper to ensure the efficient functioning of the Association:

Provided that until any such rules are made, the rules of the Association hitherto known as the Fiji Dental Association in force immediately prior to the commencement of this Act shall be the rules of the Fiji Dental Association established by this Act.

Objects of Fiji Dental Association

45. The objects for which the Fiji Dental Association is established are—

- (a) to maintain and improve the standards of conduct and learning of the dental profession in Fiji;
- (b) to promote the welfare and to preserve and maintain the integrity and status of the dental profession;
- (c) to represent the views, interests and wishes of the dental profession;
- (d) to represent, protect and assist members of the dental profession in Fiji as regards conditions of practice and otherwise;
- (e) to settle points of practice and to provide means for the amicable settlement of differences affecting the profession of dentistry;
- (f) to protect and assist the public and the dental profession in all matters touching, ancillary or incidental to the practice of dentistry;
- (g) to assist needy members and former members of the Fiji Dental Association or their relatives and the relatives of deceased members;
- (h) to acquire, hold, develop or dispose of property of all kinds, whether real or personal, and to derive capital or income therefrom, for all or any of the foregoing objects;
- (i) to raise or borrow money for all or any of the foregoing objects in such manner and upon such security as may from time to time be determined by the Fiji Dental Association;
- (j) to invest and deal with moneys of the Fiji Dental Association not immediately required in such manner as may from time to time be determined by the said Dental Association;
- (k) to pay all costs and other payments incidental to or connected with the discharge of any function of the Fiji Dental Association;
- (l) to cultivate a generous professional spirit among dental practitioners by encouraging meetings of members of the Fiji Dental Association and persons connected with matters of dental interest;
- (m) to do all such other things as are incidental or conducive to the attainment of the foregoing objects or any of them.

Assets, etc. of former Fiji Dental Association

46. All property, assets and liabilities of the association hitherto known as the Fiji Dental Association shall be and are hereby as at the commencement of this Act, vested in the Fiji Dental Association, and so soon as all formalities connected with the transfer of all such property and assets as aforesaid to the Fiji Dental Association shall be declared by the Secretary of the existing Association to have been completed, the existing Association shall automatically be dissolved and any levy or other such moneys due and owing to the existing Association shall be paid to and be recoverable by the Fiji Dental Association establishment under this Act.

SCHEDULE

(Section 19(2))

(Amended by Notices 28th February, 1975, 5th September, 1975 and 15th October, 1976.)

Degrees of Doctor of Medicine (M.D.) conferred by the following Medical Schools:—

A. United States of America

1. Medical College of Alabama, Alabama.
2. University of Arkansas School of Medicine, Arkansas.
3. California College of Medicine, Los Angeles, California.
4. Loma Linda University School of Medicine, Los Angeles, California.
5. Stanford University School of Medicine, California.
6. University of California School of Medicine, San Francisco.
7. University of California School of Medicine, Los Angeles.
8. University of Southern California School of Medicine, Los Angeles.
9. University of Colorado School of Medicine, Colorado.
10. Yale University School of Medicine, Connecticut.
11. George Washington University School of Medicine, Washington.
12. Georgetown University School of Medicine, Washington.
13. Howard University College of Medicine, Washington.
14. University of Florida College of Medicine, Florida.
15. University of Miami School of Medicine, Florida.
16. Emory University School of Medicine, Atlanta.
17. Medical College of Georgia, Augusta, Georgia.
18. Chicago Medical School, Chicago.
19. Loyola University Stritch School of Medicine, Chicago.
20. Northwestern University Medical School, Chicago.
21. University of Chicago School of Medicine, Chicago.
22. University of Illinois College of Medicine, Chicago.
23. Indiana University School of Medicine, Indianapolis.
24. State University of Iowa College of Medicine, Iowa.
25. University of Kansas School of Medicine, Kansas.
26. University of Louisville School of Medicine, Louisville, Kentucky.
27. Louisiana State University School of Medicine, New Orleans.
28. Tulane University School of Medicine, New Orleans.
29. John Hopkins University School of Medicine, Baltimore, Maryland.
30. University of Maryland School of Medicine and College of Physicians and Surgeons, Baltimore, Maryland.

31. Boston University School of Medicine, Boston, Massachusetts.
32. Harvard Medical School, Boston, Massachusetts.
33. Tufts University School of Medicine, Boston, Massachusetts.
34. University of Michigan Medical School, Michigan.
35. Wayne State University College of Medicine, Detroit, Michigan.
36. University of Minnesota Medical School, Minneapolis.
37. University of Mississippi School of Medicine, Jackson, Mississippi.
38. Saint Louis University School of Medicine, St. Louis, Missouri.
39. University of Missouri School of Medicine, Columbia.
40. Washington University School of Medicine, St. Louis, Missouri.
41. Creighton University School of Medicine, Omaha, Nebraska.
42. University of Nebraska College of Medicine, Omaha, Nebraska.
43. Seton Hall College of Medicine and Dentistry, New Jersey.
44. Albany Medical College, Albany, New York.
45. Albert Einstein College of Medicine, New York.
46. Columbia University College of Physicians and Surgeons, New York.
47. Cornell University Medical College, New York.
48. New York Medical College, New York.
49. New York University School of Medicine, New York.
50. State University of New York Downstate Medical Center, New York.
51. State University of New York Upstate Medical Center, New York.
52. State University of New York at Buffalo, School of Medicine, New York.
53. University of Rochester School of Medicine and Dentistry, New York.
54. Duke University School of Medicine, North Carolina.
55. University of North Carolina at Chapel Hill School of Medicine, North Carolina.
56. Wake Forest College, Bowman Gray School of Medicine, North Carolina.
57. Ohio State University College of Medicine, Ohio.
58. University of Cincinnati College of Medicine, Ohio.
59. Western Reserve University School of Medicine, Ohio.
60. University of Oklahoma School of Medicine, Oklahoma.
61. University of Oregon Medical School, Oregon.
62. Hahnemann Medical College and Hospital, Pennsylvania.
63. Jefferson Medical College of Philadelphia, Pennsylvania.
64. Temple University School of Medicine, Pennsylvania.
65. University of Pennsylvania, School of Medicine, Philadelphia.
66. University of Pittsburgh School of Medicine, Pittsburgh, Pennsylvania.
67. Woman's Medical College of Pennsylvania, Philadelphia, Pennsylvania.
68. University of Puerto Rico School of Medicine, San Juan, Puerto Rico.
69. Medical College of South Carolina, Charleston, South Carolina.
70. Meharry Medical College, Nashville, Tennessee.
71. University of Tennessee College of Medicine, Memphis, Tennessee.
72. Vanderbilt University School of Medicine, Nashville, Tennessee.
73. Baylor University College of Medicine, Houston, Texas.

74. University of Texas School of Medicine, Galveston, Texas.
75. The University of Texas Southwestern Medical School, Dallas, Texas.
76. University of Utah College of Medicine, Salt Lake City, Utah.
77. University of Vermont College of Medicine, Burlington, Vermont.
78. Medical College of Virginia, Richmond, Virginia.
79. University of Virginia School of Medicine, Charlottesville, Virginia.
80. University of Washington School of Medicine, Seattle, Washington.
81. West Virginia University School of Medicine, Morgantown, West Virginia.
82. Marquette University School of Medicine, Milwaukee, Wisconsin.
83. University of Wisconsin Medical School, Madison, Wisconsin.
84. Dartmouth Medical School, Dartmouth College, New Hampshire.
85. University of North Dakota School of Medicine, Grand Forks, North Dakota.
86. State University of South Dakota School of Medicine Sciences, Vermillion, South Dakota.

B. *Canada*

1. University of Alberta, Edmonton, Alberta.
2. University of British Columbia, Vancouver, B.C.
3. Dalhousie University, Halifax, N.S.
4. University of Sudbury, Sudbury, Ontario.
5. Thorneloe University, Sudbury, Ontario.
6. University of Manitoba, Winnipeg, Manitoba.
7. McGill University, Montreal, Quebec.
8. University of Moncton, Moncton, N-B.
9. University of Ottawa, Ottawa, Ontario.
10. University of Prince Edward Is. Charlottetown, P.E.I.
11. St. Francis Xavier University, Antigonish, N.S.
12. College Sainte-Anne, Church Point, N.S.
13. Simon Fraser University, Burnaby, B.C.
14. University of St. Jerome's College, Waterloo, Ontario.

C. *Philippines*

1. University of the Philippines.
2. University of the East.
3. University of Santo Tomas.
4. Far Eastern University.
5. Cebu Institute of Technology.

D. *Bangladesh*

1. University of Dacca, Dacca Medical College.

E. *Pakistan*

1. University of Karachi, Dow Medical College.
2. University of Peshawar, Khyber Medical College.
3. University of the Punjab—
 - (a) King Edward Medical College.
 - (b) Fatima Jinnah Medical College for Women.

(c) Nishtar Medical College.

4. University of Sind, Liaquat Medical College.

Degrees of Doctor of Dental Surgery (D.D.S.) conferred by the following Dental Schools:—

A. *United States of America*

1. University of Alabama, School of Dentistry, Birmingham, Alabama.
2. Loma Linda University, School of Dentistry, Loma Linda, California.
3. University of California, School of Dentistry, San Francisco.
4. University of the Pacific, College of Physicians and Surgeons, School of Dentistry, San Francisco.
5. University of Southern California, School of Dentistry, Los Angeles.
6. Georgetown University, School of Dentistry, Washington.
7. Howard University, College of Dentistry, Washington.
8. Emory University, School of Dentistry, Atlanta, Georgia.
9. Loyola University, School of Dentistry, Chicago, Illinois.
10. Northwestern University, Dental School, Chicago.
11. Indiana University, School of Dentistry, Indianapolis, Indiana.
12. State University of Iowa, College of Dentistry, Iowa City.
13. University of Louisville, School of Louisville, Kentucky.
14. Loyola University, School of Dentistry, New Orleans, Louisiana.
15. University of Maryland, The Dental School, Baltimore, Maryland.
16. Harvard School of Dental Medicine, Boston, Massachusetts.
17. Tufts University, School of Dental Medicine, Boston, Massachusetts.
18. University of Detroit, School of Dentistry, Detroit, Michigan.
19. University of Michigan, School of Dentistry, Ann Arbor, Michigan.
20. University of Minnesota, School of Dentistry, Minneapolis.
21. Saint Louis University, School of Dentistry, Missouri.
22. University of Missouri at Kansas City, School of Dentistry, Kansas City, Missouri.
23. Washington University, School of Dentistry, St. Louis, Missouri.
24. Creighton University, School of Dentistry, Omaha, Nebraska.
25. University of Nebraska, College of Dentistry, Lincoln, Nebraska.
26. Fairleigh Dickinson University, School of Dentistry, Teaneck, New Jersey.
27. Seton Hall University College of Dentistry, Jersey City, New Jersey.
28. Columbia University, School of Dental and Oral Surgery, New York.
29. New York University, College of Dentistry, New York.
30. State University of New York at Buffalo, School of Dentistry, Buffalo.
31. University of North Carolina at Chapel Hill, School of Dentistry, Chapel Hill, North Carolina.
32. Ohio State University, College of Dentistry, Columbus, Ohio.
33. Western Reserve University, School of Dentistry, Cleveland.
34. University of Oregon Dental School, Portland, Oregon.
35. Temple University, School of Dentistry, Philadelphia, Pennsylvania.
36. University of Pennsylvania, School of Dentistry, Philadelphia, Pennsylvania.
37. University of Pittsburgh, School of Dentistry, Pittsburgh, Pennsylvania.

38. University of Puerto Rico, School of Dentistry, San Juan, Puerto Rico.
 39. Meharry Medical College, School of Dentistry, Nashville, Tennessee.
 40. University of Tennessee, College of Dentistry, Memphis, Tennessee.
 41. Baylor University, College of Dentistry, Dallas, Texas.
 42. University of Texas Dental Branch, Houston, Texas.
 43. Medical College of Virginia, School of Dentistry, Richmond, Virginia.
 44. University of Washington, School of Dentistry, Seattle, Washington.
 45. University of West Virginia, School of Dentistry, Morgantown, West Virginia.
 46. Marquette University, School of Dentistry, Milwaukee, Wisconsin.
- B. *Canada*
1. University of Alberta, Edmonton, Alberta.
 2. University of British Columbia, Vancouver, B.C.
 3. Dalhousie University, Halifax, N.S.
 4. Thorneloe University, Sudbury, Ontario.
 5. University of Manitoba, Winnipeg, Manitoba.
 6. University of Moncton, Moncton, N-B.
 7. St. Francis Xavier University, Antigonish, N.S.
 8. Simon Fraser University, Burnaby, B.C.
 9. University of St. Jerome's College, Waterloo, Ontario.

Degrees of Bachelor of Dental Surgery (B.D.S.) conferred by the following Dental Schools:—

India

1. University of Bombay—
 - (a) Government Dental College.
 - (b) Nair Hospital Dental College.
2. University of Madras, Dental Wing, Madras Medical College.
3. University of Calcutta, Calcutta Dental College and Hospital.

Controlled by Ministry of Health