

**CONSOLIDATED TO 30 JUNE 2012**

**LAWS OF SEYCHELLES**  
**HEALTH PROFESSIONALS ACT**

Act 6 of 2006

*[20th June, 2006]*

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## **PART I - PRELIMINARY**

1. This Act may be cited as the Health Professionals Act.

2. In this Act—

“Health Professional” means a person belonging to any of the categories specified in Schedule 1;

“Council” means the Council established under section 3;

“Register” means the Register of Health Professionals kept under section 5;

“Registrar” means the person appointed as such under paragraph 3 of Schedule 2.

## **PART II - HEALTH PROFESSIONALS COUNCIL**

3.(1) There is established a council to be known as the Health Professionals Council.

(2) The Council shall be a body corporate.

(3) Schedule 2 shall have effect with respect to the composition of the Council and the conduct of its business.

4.(1) The functions of the Council are —

(a) to register and to monitor the competence and regulate the performance of Health Professionals in Seychelles for the purpose of promoting and upholding the highest possible standard of their practice;

(b) to inquire into allegations of serious professional misconduct and malpractice by Health Professionals and to take appropriate action in respect thereof.

(2) The Council or any member of the Council shall not be liable for anything done omitted to be done by the Council or the member in good faith in the performance of functions under this Act.

### **PART III - REGISTER**

5.(1) The Council shall cause to be kept a Register of Health Professionals practising in Seychelles.

(2) The Register shall contain in respect of each Health Professional the following particulars—

- (a) the full name and residential address;
- (b) the place at which the Health Professional practices;
- (c) the qualifications, training and specialization, if any;
- (d) the period of registration;
- (e) any remark and endorsement;
- (f) any other matter which the Council may from time to time decide to include in the Register.

(3) The Register shall be kept in the custody of the Registrar and shall be open to inspection by any member of the public free of charge during normal working hours.

(4) A Health Professional who has been suspended from practising as such by the Council pursuant to an order under section 10 shall not, so long as the order remains in force, be included in the Register.

(5) In any proceedings under this Act or any other written law, a certificate purporting to be signed by the Registrar certifying that a person is, or is not, registered as a

Health Professional under this Act shall, without proof of the signature of the Registrar, be prima facie evidence of the facts stated in the certificate.

(6) Subject to subsection (4), the Council shall cause a list of Health Professionals whose names remain on the Register on the 31<sup>st</sup>

December in each year to be published in the Gazette not later than 45 days after that date.

6.(1) The Registrar may amend the Register—

- (a) as to the address or other relevant particulars relating to a person whose name appears in the Register on being satisfied that the amendment is necessary for preserving the accuracy of the Register;
- (b) by inserting or removing therefrom, upon the direction of the Council or an order of court, the name of or any particulars relating to a Health Professional;
- (c) for the purpose of complying with this Act.

(2) Without prejudice to its power under section 10, the Council may direct that there be removed from the Register the name of a person who —

- (a) requests the removal by letter addressed to the Council;
- (b) dies;
- (c) is continuously absent from Seychelles for a period of more than six months and has not given notice to the Council of the person's intention to return.

7. A person is qualified to be registered as a Health Professional under this Act if the person—

- (a) is of good character; and
- (b) being a new applicant —
  - (i) is recognised under the law of any foreign country as a Health Professional, and the qualification and training for a person to be so recognized in that country are of a standard which would not undermine the functions of the Council in promoting and

upholding the highest possible standard of practice as a Health Professional in Seychelles if that person were registered under this Act; or

(ii) has a diploma, degree or certificate from a local institution which the Council considers to be of a standard that would not undermine the functions of the Council in promoting and upholding the highest possible standard of practice as a Health Professional in Seychelles if that person were registered under this Act, and has completed a period of service to the satisfaction of the Council; and

(iii) has not been or is not the subject of such disciplinary or other proceedings in connection with that person's practice as a Health Professional as to undermine the functions of the highest possible standard of practice as a Health Professional in Seychelles if that person were registered under this Act;

(c) in the case of a renewal, was registered under this Act immediately before making the application.

**8.(1)** An application for registration as a Health Professional shall be made in the form provided by the Council.

(2) If the Council is satisfied that an applicant is qualified under section 7 and the applicant has paid the prescribed fee, it shall cause the person to be registered under this Act—

(a) for a period of not more than six months; or

(b) for a period of 24 months,

as requested by the applicant.

(3) If the Council is of the opinion that an applicant is not qualified under section 7, it shall refuse the application and notify the applicant accordingly in writing giving its reasons.

(4) The Council shall not consider a second application made by a person whose first application has been refused if it is made within 6 months from the date of refusal.

**9.(1)** Upon registration of a person under section 8, the Registrar shall issue to that person a certificate of registration.

(2) Where a certificate of registration issued under subsection (1) is lost or destroyed, the Registrar shall, upon an application being made and the payment of the prescribed fee if any, issue a certificate of registration with the word “Duplicate” marked at the top left hand corner of the certificate.

(3) A person whose name has been removed from the Register under section 6(2) (a) or (c) or section 10 shall return to the Registrar the certificate of registration as soon as possible.

**10.(1)** Where, after an inquiry in accordance with regulations made under this Act, the Council is satisfied —

- (a) that a registered Health Professional—
  - (i) has been convicted of an offence punishable with imprisonment under any law;
  - (ii) has been guilty of serious professional misconduct or malpractice;
  - (iii) has obtained the registration by misrepresentation or fraud;
  - (iv) was not, at the time of registration, qualified to be registered; or
- (b) that any relevant particulars entered in the Register in respect of a Health Professional are false or misleading,

the Council may—

- (i) order that the name of the Health Professional or other relevant particulars in respect of the Health Professional in the Register be removed or corrected;
- (ii) order that the Health Professional be suspended from practising as such for an initial period not exceeding 12 months and such further periods which shall not exceed an aggregate of 12 months and an endorsement be made to that effect in the Register;
- (iii) caution or reprimand the Health Professional;  
or
- (iv) take such other disciplinary measures as may be prescribed.

(2) A Health Professional whose name is removed from the Register may apply to the Council under section 8 for registration.

**11.(1)** Where the Council refuses to register a person on an application under section 8 or makes an order in respect of, or takes any other course of action against, a person under section 10, the person may within 14 days after the date of notice of the decision of the Council, appeal to the Supreme Court against the decision of the Council.

(2) The Chief Justice may make rules of the Supreme Court for the purpose of an appeal under this section.

#### **PART IV - MISCELLANEOUS**

**12.(1)** The funds of the Council shall consist of —

- (a) moneys appropriated by an Appropriation Act and paid to the Council;
- (b) moneys paid to the Council by way of fees or donations.

(2) The funds of the Council shall be applied in the discharge of the expenses incurred in carrying out its functions and in payment of remuneration to the members of the Council and the Registrar.

(3) The Council shall keep proper accounts and records of its transactions and shall prepare, in respect of each calendar year, a statement of accounts.

(4) The accounts of the Council shall be audited by the Auditor General in accordance with article 158 of the Constitution.

**13.(1)** Subject to subsection (2), a person who—

- (a) not being a registered Health Professional, purports to act as such or makes any representation to that effect;
- (b) being registered as a Health Professional dishonestly uses any professional qualification, title or other description which is not entered in the Register in respect of that person for the purpose of describing the person's professional qualification, title or description;
- (c) knowingly makes a false or misleading statement or falsifies any certificate or document for the purpose of obtaining registration as a Health Professional;
- (d) with intent to deceive, uses any certificate issued under this Act;
- (e) being a person required to comply with section 9(3) fails to do so;
- (f) being a person required to comply with paragraph 4(6) of Schedule 2 fails to do so;
- (g) acts in breach of any regulation made under this Act,

is guilty of an offence and is liable to a fine of R25, 000 and to imprisonment for a period not exceeding 3 years.



(2) A person who immediately before the commencement of this Act was employed or practising as a Health Professional shall be deemed, for a period of 6 months from the commencement of this Act or, if the person is registered before the end of that period, until that person is registered under this Act, to be registered as a Health Professional under this Act.

**14.** The Minister responsible for health may, after consulting the Council, make regulations for carrying into effect the provisions of this Act and without prejudice to the generality of the foregoing, make regulations-

- (a) prescribing fees and charges in respect of any matter done after this Act;
- (b) prescribing the procedure to be followed in relation to any inquiry under section 10;
- (c) amending any Schedule.

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## SCHEDULE 1

*Section 3*

### Categories of Health Professionals

Acupuncturists  
Audiologists  
Biomedical Laboratory Technicians  
Clinical Psychologists  
Dental Technicians  
Emergency Medical Technicians  
Environmental Health Officers  
Health Educators  
Nutritionists  
Occupational Therapists  
Optometrists  
Pharmaceutical Dispensers and Technicians  
Pharmacists  
Physiotherapists  
Radiographers  
Speech Therapists

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## SCHEDULE 2

*Section 3*

### **Health Professionals Council**

- 1.(1) The Council shall consist of—
- (a) the Director of Health Services, or the person discharging the functions of such Director;
  - (b) a person who is not a Health Professional nominated by the Minister responsible for health;
  - (c) a registered Health Professional nominated by the Minister responsible for health;
  - (d) 10 members elected by the Health Professionals from any category of Health Professionals specified in Schedule 1 who are registered or deemed to be registered under this Act at a meeting called for this purpose by the Director of Health Services.

(2) The notice of a meeting under subparagraph (1) (d) shall be given in a daily newspaper in Seychelles at least 14 days before the date of the meeting.

(3) The members of the Council except the Director of Health Services shall unless they vacate office earlier hold office for 2 years and are eligible to be nominated or elected, as the case may be, for a second term.

(4) Where under subparagraph (1) a person is required to be a registered Health Professional to be nominated or elected as a member of the Council, the person shall cease to be a member of the Council on the person ceasing to be a registered Health Professional.

(5) A member may resign from office by letter addressed to the chairperson of the Council.

(6) Where a person is nominated or elected to replace another person who has ceased to be a member before the end of the period of 2

years, the person shall serve as a member for the remaining period of office of the person replaced.

(7) The Minister responsible for health shall cause a notice of the names of the persons constituting the Council under paragraph 1(1) to be published in the *Gazette*.

2.(1) The members of the Council shall elect from amongst themselves a chairperson and a vice-chairperson.

(2) The term of office of the chairperson and vice-chairperson shall be 2 years.

(3) A person shall cease to hold office as chairperson or vice-chairperson if the person resigns or ceases to be a member of the Council.

3.(1) There shall be a Registrar appointed by the Council.

(2) The Registrar shall act as the secretary of the Council, keep and maintain the records of the Council, implement the decisions of the Council and do all such things as the Council or the chairperson may lawfully require the Registrar to do.

4.(1) The Council shall meet at such time and place—

(a) as the chairperson may determine; or

(b) as may be requested in writing addressed to the chairperson by not less than 7 members.

(2) Seven members of the Council shall constitute a quorum for a meeting.

(3) A meeting of the Council shall be presided over by the chairperson but, in the absence of the chairperson, the vice-chairperson shall preside.

(4) All matters coming up for the decision of the Council at a meeting shall be decided by a simple majority of votes of the members present and voting thereon.

(5) Each member has one vote and in the event of an equality of votes the chairperson or the vice-chairperson as the case may be has a casting vote.

(6) A member who has a direct interest in a matter that falls to be decided at a meeting of the Council shall notify the chairperson or, if the member is the chairperson, the Registrar, the interest and shall not be present or vote at the meeting where the matter is considered or decided unless the Council authorizes otherwise.

5.(1) Where a matter requires a decision of the Council and it is not convenient or possible for the Council to meet to determine the matter, the Registrar shall, on the instructions of the chairperson, circulate papers regarding the matter to all members for consideration and decision or approval and if the members unanimously approve a decision or resolution by a signed declaration the decision or resolution shall have the same effect as a decision or resolution passed at meeting of the Council

6. Notwithstanding paragraph 1(3) where at the end of the period of office all the members of the Council vacate office and the new members of the Council have not been nominated or elected the persons vacating as members shall continue in office until the nomination or election of the new members of the Council or the end of a further period of 3 months, whichever occurs first.

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**NO SUBSIDIARY LEGISLATION**  
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