



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Medical Practitioners Ordinance, 1910, the Pharmacy and Poisons Ordinance, 1937, and the Dentists Ordinance, 1955, to further regulate the qualification to practice medicine, dentistry and pharmacy on St Helena; and to repeal related subsidiary legislation issued under those Ordinances.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title

1. This Ordinance may be cited as the Medical, Dentistry and Pharmacy (Amendment) Ordinance, 2018.

Medical practitioners

2. (1) Section 2 of the Medical Practitioners Ordinance, 1910, other than the heading, is repealed and the following is substituted:

“2. The Governor, on recommendation of the Senior Medical Officer, may appoint a person who possesses appropriate qualifications for the practice of medicine and surgery, to practise medicine and surgery in St Helena.”.

(2) Section 3 of the Medical Practitioners Ordinance, 1910, other than the heading, is repealed and the following is substituted:

“3. A person who practises medicine or surgery in St Helena without being appointed under section 2 commits an offence.

Penalty: A fine of £20 or imprisonment for 1 month, or both.”.

(3) Section 4(1) of the Medical Practitioners Ordinance, 1910, is repealed and the following is substituted:

“(1) If the Governor is satisfied that a person who possesses appropriate qualifications for the practice of medicine and surgery, has contravened section 3 either inadvertently or at the request of the Senior Medical Officer/Clinical Director, or of any person acting for the Senior Medical Officer/Clinical Director, the Governor may issue a certificate of indemnity in respect of the contravention.”.

Pharmacists

3. (1) Section 3 of the Pharmacy and Poisons Ordinance, 1937, other than the heading, is repealed and the following is substituted:

“3. (1) The Governor, on the recommendation of the Senior Medical Officer, may appoint a person who possesses appropriate qualifications for the practice of pharmacy, to practise pharmacy in St Helena.

(2) A person may not carry on the business of a pharmacist unless the person holds a licence which the Senior Medical Officer is hereby empowered to issue for that purpose, if the Senior Medical Officer is satisfied that the person possesses appropriate qualifications for the practice of pharmacy.

(3) A person who—

(a) practises pharmacy in St Helena without being appointed under subsection (1); or

(b) carries on the business of a pharmacist in contravention of subsection (2),

commits an offence

Penalty: A fine of £20 or imprisonment for 1 month, or both.”;

(2) Section 4 of the Pharmacy and Poisons Ordinance, 1937, is repealed

(3) The following section is inserted in the Pharmacy and Poisons Ordinance, 1937, after section 14:

“Certificate of indemnity

15. (1) If the Governor is satisfied that a person who possesses appropriate qualifications for the practice of pharmacy has contravened section 3(3)(a) either inadvertently, or at the request of the Senior Medical Officer/Clinical Director, or of any person acting for the Senior Medical Officer/Clinical Director, the Governor may issue a certificate of indemnity in respect of the contravention.

(2) A person to whom a certificate referred to in subsection (1) has been issued is not liable for any penalty under this Ordinance, nor to any civil action to which the person would not be liable if he or she possessed the qualifications prescribed by this Ordinance.”.

Dental practitioners

4. (1) Section 4 of the Dentists Ordinance, 1955, other than the heading, is repealed and the following is substituted:

“4. The Governor, on the recommendation of the Senior Medical Officer, may appoint a person who possesses appropriate qualifications for the practice of dentistry, to practise dentistry in St Helena.”.

(2) Section 5 of the Dentists Ordinance, 1955, other than the heading, is repealed and the following is substituted:

“5. A person who practises dentistry in St Helena without being appointed under section 4 commits an offence.

Penalty: A fine of £20 or imprisonment for 1 month, or both.”.

- (3) The following section is inserted in the Dentists Ordinance, 1955, after section 5:

“Certificate of indemnity

5A. (1) If the Governor is satisfied that a person who possesses appropriate qualifications for the practice of dentistry has contravened section 5 either inadvertently, or at the request of the Senior Medical Officer/Clinical Director, or of any person acting for the Senior Medical Officer/Clinical Director, the Governor may issue a certificate of indemnity in respect of the contravention.

(2) A person to whom a certificate referred to in subsection (1) has been issued is not liable for any penalty under this Ordinance, nor to any civil action to which the person would not be liable if he or she possessed the qualifications prescribed by this Ordinance.”.

Revocation of regulations

- 5.** The following Regulations are revoked:
- (a) the Medical Practitioners Regulations, 1951;
 - (b) the Medical Practitioners (Qualifications) Regulations, 2009;
 - (c) the Pharmacists (Qualifications) Regulations, 2018;
 - (d) the Dentists (Qualifications) Regulations, 2009.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance amends the requirements in the Medical Practitioners Ordinance, 1910, the Pharmacy and Poisons Ordinance, 1937, and the Dentists Ordinance, 1955, relating to the qualification to practise medicine, pharmacy and dentistry in St Helena. Currently, the Governor is required to publish a notice in the gazette approving a person as being qualified to practice which is based on a list of approved countries contained in the respective Regulations. Each time a person who is qualified to practice in an unlisted country is appointed, the Regulations need to be amended to add the relevant country. Before the appointment of any doctor, dentist or pharmacist, their qualifications are scrutinised and if the Senior Medical Officer is of the opinion that they have the appropriate qualifications to practice medicine, dentistry or pharmacy, the Senior Medical Officer will make a recommendation to the Governor for the appointment. Due to the onerous process of adding these countries, it is proposed that the country lists in the Regulations be removed.

The Medical Practitioners Ordinance, 1910, also currently makes provision for a certificate of indemnity where a medical practitioner who holds the appropriate qualification but who does not possess a qualification from a listed country practices medicine in St Helena, either inadvertently or at the request of the Senior Medical Officer. This could happen, for example, where a tourist who happens to be a doctor assists in some medical emergency while visiting St Helena. This certificate ensures that the doctor does not contravene the Ordinance thus becoming liable for penalties. It is proposed that similar provision be made for dentists and pharmacists.