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Notification No. B 30 — The Traditional Chinese Medicine Practitioners Bill is hereby published for general information. It was introduced in Parliament on the 9th day of October 2000.

Traditional Chinese Medicine Practitioners Bill

Bill No. 30/2000.

Read the first time on 9th October 2000.

THE TRADITIONAL CHINESE MEDICINE PRACTITIONERS ACT 2000

(No. of 2000)

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A BILL

intituled

An Act to provide for the registration of traditional Chinese medicine practitioners and for purposes connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Traditional Chinese Medicine Practitioners Act 2000 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint. 5

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

Interpretation

2. In this Act, unless the context otherwise requires — 10

“acupuncture” means the stimulation of a certain point or points on or near the surface of the human body through any technique of point stimulation (with or without the insertion of needles), including through the use of electrical, magnetic, light and sound energy, cupping and moxibustion, to normalise physiological functions or to treat ailments or conditions of the human body; 15

“Board” means the Traditional Chinese Medicine Practitioners Board established under section 3;

“certificate of registration” means a certificate of registration issued by the Board under section 16; 20

“Chairman” means the Chairman of the Board;

“herbal medicine” means any material or product known or claimed to have therapeutic or other health benefits which contains either raw or processed ingredients of plant, inorganic or animal origin; 25

“institution of higher learning” includes any college and polytechnic;

“member” means a member of the Board;

“practice of traditional Chinese medicine” means any of the following acts or activities: 30

(a) acupuncture;

(b) the diagnosis, treatment, prevention or alleviation of any disease or any symptom of a disease or the prescription of any herbal medicine;

5

(c) the regulation of the functional states of the human body;

(d) the preparation or supply of any herbal medicine on or in accordance with a prescription given by the person preparing or supplying the herbal medicine or by another registered person;

10

(e) the preparation or supply of any of the substances specified in the Schedule;

(f) the processing of any herbal medicine; and

(g) the retailing of any herbal medicine,

on the basis of traditional Chinese medicine;

15

“practising certificate” means a practising certificate issued under section 17;

“prescribed practice of traditional Chinese medicine” means any type of practice of traditional Chinese medicine that has been declared by the Minister by order made under section 14 (1) as a prescribed practice of traditional Chinese medicine;

20

“processing” means any type of treatment or preparation applied to a herbal medicine or mixture of herbal medicines based on traditional Chinese medicine before it is being —

(a) offered for sale;

25

(b) supplied to a patient; or

(c) used for the manufacture of any herbal medicine;

“Register” means the Register of Traditional Chinese Medicine Practitioners kept under section 12;

“registered person” means a person who is registered under section 14 for the carrying out of any prescribed practice of traditional Chinese medicine;

30

“Registrar” means the Registrar of the Board appointed under section 11 (1) and includes any acting Registrar;

“registration” means registration under section 14 for the carrying out of any prescribed practice of traditional Chinese medicine;

35

“retailing” means the selling of any herbal medicine to a person who obtains the herbal medicine other than for the purpose of wholesale.

PART II

TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD

5

Establishment of Traditional Chinese Medicine Practitioners Board

3.—(1) There shall be established a body to be called the Traditional Chinese Medicine Practitioners Board which shall be a body corporate with perpetual succession and a common seal. 10

(2) The Board shall consist of not less than 5 and not more than 9 members to be appointed by the Minister, of whom —

- (a) one shall be a registered medical practitioner;
- (b) one shall be the Registrar ex-officio; and
- (c) 2 shall be registered persons with at least 10 years' 15
experience in any prescribed practice of traditional Chinese
medicine.

(3) Every member, except the Registrar, shall hold office for a term of 3 years and shall be eligible for reappointment.

(4) The Minister may, at any time, revoke the appointment of any 20
member without assigning any reason.

Functions of Board

4. The functions of the Board are —

- (a) to approve or reject applications for registration;
- (b) to accredit — 25
 - (i) courses in the practice of traditional Chinese
medicine in Singapore for the purposes of
registration; and
 - (ii) the institutions of higher learning in Singapore
offering any of these courses; 30
- (c) to make recommendations to the appropriate authorities for
the continuing training and education of registered persons;
- (d) to determine and regulate the conduct and ethics of
registered persons; and

- (e) generally to do all such acts, matters and things as are necessary or authorised to be carried out under this Act and any regulations made thereunder.

Chairman of Board

5 **5.**—(1) The Minister shall appoint one of the members to be the Chairman.

(2) The Chairman shall preside at any meeting of the Board and, in his absence, such member as the members present may elect shall preside at that meeting.

10 **Disqualifications for membership of Board**

6. No person shall be a member if —

- (a) he is not a citizen or a permanent resident of Singapore;
 (b) he is an undischarged bankrupt;
 15 (c) he has been convicted in Singapore or elsewhere of any offence involving fraud, dishonesty or moral turpitude; or
 (d) he is incapacitated by a mental or physical disability.

Filling of vacancies

7.—(1) The office of a member shall become vacant if the member —

- 20 (a) dies;
 (b) resigns his office;
 (c) becomes subject to any of the disqualifications specified in section 6;
 25 (d) without any good and sufficient reason, refuses to accept an appointment as a member of any committee appointed by the Board; or
 (e) has his appointment revoked before the expiry of his term of office.

(2) The Minister may remove from office any member who is
 30 absent without leave of the Board from 3 consecutive meetings of —

- (a) the Board; or
 (b) any committee of which he is a member appointed by the Board.

(3) Any question as to whether a person has ceased to be a member shall be determined by the Minister whose decision shall be final.

(4) If any vacancy arises among the members, the Minister may appoint a person to fill the vacancy in the manner in which the appointment to the vacant office was made, and that person shall hold office for as long as the member in whose place he was appointed would have held office. 5

(5) The Board may act notwithstanding any vacancy in the membership of the Board. 10

(6) No act done by or under the authority of the Board shall be invalid in consequence of any defect that is afterwards discovered in the appointment or qualification of the members or any of them.

Meetings and quorum of Board

8.—(1) The Board shall meet at such times and places as the Chairman or the Registrar may appoint. 15

(2) At any meeting of the Board, one-half of the total number of members shall form a quorum.

(3) The Chairman or member presiding at any meeting of the Board shall have an original vote and, in the case of an equality of votes, a casting vote. 20

(4) Subject to this Act, the Board may regulate its own procedure.

Appointment of executive secretary and other employees

9. The Board may appoint an executive secretary and other employees on such terms as the Board may determine. 25

Appointment of committees

10.—(1) The Board may appoint one or more committees for any general or special purpose which, in the opinion of the Board, may be better dealt with or managed by a committee.

(2) The Board may delegate any of its powers or functions to any committee so appointed, with or without restrictions or conditions as the Board thinks fit. 30

(3) The number and term of office of the members of a committee appointed under this section and the number of those members necessary to form a quorum shall be fixed by the Board.

(4) A committee appointed under this section may include persons
5 who are not members of the Board.

(5) The Board may continue to exercise any power conferred upon it or perform any function under this Act notwithstanding the delegation of such power or function under this section.

PART III

10 REGISTRATION OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS

Registrar

11.—(1) For the purposes of this Act and any regulations made thereunder, the Minister shall appoint any officer as the Registrar of
15 the Board.

(2) The Minister may appoint a person to act as Registrar during the absence from Singapore or incapacity from illness or otherwise of the Registrar.

Register of Traditional Chinese Medicine Practitioners

12.—(1) The Registrar shall keep a Register of Traditional Chinese Medicine Practitioners which shall —

- (a) consist of such parts as the Board may determine; and
- (b) contain in the appropriate part the following particulars of every registered person:

- 25 (i) his name and address;
- (ii) the date of his registration;
- (iii) the qualification by virtue of which he is registered and the date he obtained that qualification; and
- (iv) such other particulars as the Board may determine.

30 (2) The Registrar shall be responsible for the maintenance and custody of the Register.

(3) A registered person shall inform the Registrar in writing of any change in his name, working address, residential address, or such other particulars as may be prescribed, within 28 days of the change.

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. 5

(5) A person who makes a report of a change in his residential address under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (3) relating to residential address on the date on which he makes the report. 10

Alteration of Register

13. The Registrar shall —

- (a) insert in the Register any alteration to the name, address or other particulars of any registered person which may come to his knowledge; 15
- (b) correct any error in any entry in the Register which may come to his knowledge;
- (c) remove from the Register the name of any person —
 - (i) whose registration is cancelled under any provision of this Act; or 20
 - (ii) who is deceased; and
- (d) insert in the Register any alteration to the qualifications or any additional qualifications of a registered person.

Prescribed practices of traditional Chinese medicine

14.—(1) The Minister may from time to time, by order published 25 in the *Gazette*, declare any type of practice of traditional Chinese medicine as a prescribed practice of traditional Chinese medicine if he is of the opinion that it is in the public interest for that type of practice of traditional Chinese medicine to be regulated under this Act. 30

(2) Any person who desires to carry out any prescribed practice of traditional Chinese medicine shall make an application for registration to the Board in accordance with the regulations made under this section.

(3) The Board may, subject to the regulations made under this section, register a person to carry out any prescribed practice of traditional Chinese medicine.

(4) The Minister may, in respect of each prescribed practice of traditional Chinese medicine, make regulations to provide for or with respect to the following matters:

- (a) different classes of registration;
- (b) the form and manner of application, and the application fee, for each class of registration;
- 10 (c) the qualifications and other requirements for each class of registration;
- (d) the conditions and duration of each class of registration;
- (e) the circumstances in which a class of registration may be altered or renewed and the fees payable in respect thereof;
- 15 (f) the course, qualifying examination and evaluation for the purpose of any class of registration, the fees payable for such course, examination and evaluation, and the conditions upon which an applicant may be exempted from such course, examination or evaluation;
- 20 (g) the practice and conduct of registered persons, including the carrying out of the prescribed practice of traditional Chinese medicine, the use of any means of giving publicity to their practice and the use of titles and qualifications;
- 25 (h) the exemption of persons or classes of persons from registration; and
- (i) incidental, supplementary or transitional matters in respect of the declaration of any type of practice of traditional Chinese medicine as a prescribed practice of traditional Chinese medicine.

30 **Refusal of registration**

15.—(1) The Board may refuse to register any applicant for the carrying out of any prescribed practice of traditional Chinese medicine who —

- 35 (a) in the opinion of the Board, may not be registered in accordance with the regulations made under section 14 (4);
- (b) in the opinion of the Board, is not of good reputation and character; or

- (c) fails to satisfy the Board that he is able to effectively and safely carry out that prescribed practice of traditional Chinese medicine.

(2) Where the Board refuses to register an applicant, the Board shall by notice in writing inform the applicant of such refusal. 5

(3) Any person who is aggrieved by any refusal of the Board under subsection (1) may, within 30 days of the notice given under subsection (2), appeal to the Minister whose decision shall be final.

Certificate of registration

16.—(1) Upon the registration of a person, the Board shall grant to him a certificate of registration and specify in the certificate the prescribed practice or practices of traditional Chinese medicine for which the person is registered. 10

(2) A person whose registration is cancelled or suspended under section 19 shall surrender his certificate of registration in respect of that registration to the Board within 14 days of being notified by the Board of such cancellation or suspension. 15

(3) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. 20

Practising certificate

17.—(1) A registered person who desires to obtain a practising certificate for the prescribed practice of traditional Chinese medicine for which he is registered shall make an application to the Board in such form and manner as the Board may prescribe. 25

(2) The application shall be accompanied by the prescribed fee.

(3) A practising certificate shall be valid for such period as the Board may determine.

(4) An application for the renewal of a practising certificate shall be made no later than 30 days before the expiration of the practising certificate and shall be made in such form and manner as the Board may prescribe. 30

(5) A registered person who applies for a practising certificate later than 30 days before the expiration of the practising certificate

shall be liable to pay to the Board such late application fee as the Board may prescribe.

(6) Where a person has had his registration in respect of a prescribed practice of traditional Chinese medicine cancelled or
 5 suspended under section 19, any practising certificate issued to him in respect of that prescribed practice of traditional Chinese medicine shall be deemed to be cancelled and he shall surrender such practising certificate to the Board within 14 days of such cancellation or suspension.

10 (7) Any person who fails to comply with subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Publication of list of registered traditional Chinese medicine practitioners

15 **18.**—(1) The Registrar shall, from time to time, prepare and publish in the *Gazette* a list of the names, addresses, qualifications and dates of qualifications of all registered persons.

(2) The Board may, if it thinks fit, direct the Registrar to prepare and publish for sale, at such intervals as the Board may direct,
 20 publications of the names, addresses, qualifications and dates of qualifications of all registered persons or such classes of registered persons as the Board may determine.

Power of Board to cancel registration, etc.

25 **19.**—(1) The Board may cancel the registration of a registered person if the Board is satisfied that he —

- (a) has obtained his registration by a fraudulent or incorrect statement;
- (b) has had any of his qualifications by virtue of which he was registered withdrawn or cancelled by the authority through
 30 which it was acquired or by which it was awarded;
- (c) has had his registration in any other country for the practice of traditional Chinese medicine, or for the prescribed practice of traditional Chinese medicine to which the registration relates, withdrawn, suspended or cancelled;
- 35 (d) has ceased to carry on the prescribed practice of traditional Chinese medicine for which he is registered;

- (e) has contravened or failed to comply with any condition to which his registration is subject;
- (f) has contravened any regulation made under this Act relating to the practice and conduct of registered persons that applies to him; 5
- (g) has been convicted of an offence in or outside Singapore involving fraud or dishonesty;
- (h) has been convicted of an offence in or outside Singapore implying a defect in character which renders him unfit to remain on the Register; 10
- (i) has been guilty of any professional misconduct or negligence;
- (j) has been guilty of any improper act or conduct which renders him unfit to remain on the Register; or
- (k) is unable to carry out the prescribed practice of traditional Chinese medicine for which he is registered safely or effectively by reason of a mental or physical disability. 15

(2) Where a registered person is liable to have his registration cancelled on any of the grounds referred to in subsection (1) (e) to (k), the Board may, instead of cancelling his registration, take one or more of the following measures: 20

- (a) caution or censure him;
- (b) impose on him a penalty not exceeding \$10,000;
- (c) order that his registration be subject to such conditions as may be imposed by the Board for a period not exceeding 3 years; 25
- (d) suspend his registration for a period not exceeding 3 years.

(3) The Board shall, before exercising its power under subsection (1) or (2) —

- (a) notify the registered person of its intention to exercise the power and give him an opportunity to be heard either personally or by counsel; and 30
- (b) if the complaint or matter against the registered person has been referred by the Board to an Investigation Committee under section 28 (1), consider the findings of the Committee as reported to the Board under section 29 (4). 35

(4) Every penalty imposed under subsection (2) (b) shall be recoverable as a debt due to the Board.

(5) A decision to cancel or suspend the registration of a registered person shall take effect on the date the decision has been
 5 communicated to him or, where an appeal against the decision is made to the High Court, the date of the decision of the Court.

(6) While the registration of a registered person for the carrying out of a prescribed practice of traditional Chinese medicine remains suspended, he shall not be regarded as a registered person in respect
 10 of that prescribed practice of traditional Chinese medicine for the purposes of this Act, but on the expiry of his suspension, his rights and privileges under this Act shall be revived.

(7) Where a person is registered in respect of 2 or more prescribed practices of traditional Chinese medicine, the Board may take action
 15 under this section in relation to his registrations for both or all of those prescribed practices of traditional Chinese medicine without having to institute separate proceedings.

Costs

20.—(1) Where the Board cancels the registration of a registered
 20 person under section 19 (1) or takes any action against him under section 19 (2), the Board may order him to pay such sums as it thinks fit in respect of the costs and expenses of or incidental to any inquiry or investigation conducted or taking of action against him.

(2) The High Court shall have jurisdiction to tax the sums ordered
 25 to be paid under subsection (1).

(3) Such sums shall be recoverable as a debt due to the Board.

Appeal

21.—(1) Any person who is aggrieved by a decision of the Board under section 19 (1) or (2) may, within 30 days of the date of the
 30 decision or within such further period as the High Court may allow, appeal to the High Court against the decision.

(2) There shall be no appeal from a decision of the High Court.

Conviction final and conclusive

22. The Board in taking action under section 19, and the High Court on appeal from an order of the Board under section 21, shall accept the conviction of a registered person for a criminal offence as final and conclusive.

5

Restoration of registration

23.—(1) A person whose registration has been cancelled under section 19 may apply to the Board for his name to be re-registered.

(2) The Board may, after considering all relevant circumstances, and upon the compliance by the applicant of all conditions imposed by the Board, if any, and the payment of the prescribed fee, re-register him.

10

(3) No application for re-registration shall be made to the Board —

- (a) before the expiration of 3 years from the date of the cancellation; and
- (b) more than once in any period of 12 months.

15

PART IV

OFFENCES

Unlawful engagement in prescribed practice of traditional Chinese medicine

20

24.—(1) No person shall —

- (a) carry out any prescribed practice of traditional Chinese medicine; or
- (b) advertise or otherwise hold himself out to be qualified to carry out any prescribed practice of traditional Chinese medicine,

25

unless he is a qualified person in respect of that prescribed practice of traditional Chinese medicine and he carries out that prescribed practice in accordance with the conditions of his registration prescribed under section 14 (4).

30

(2) No person shall employ any person who is not a qualified person in respect of a prescribed practice of traditional Chinese

medicine to carry out that prescribed practice of traditional Chinese medicine.

(3) Subsections (1) and (2) are subject to any transitional or saving provisions in any regulations made under section 14 (4).

5 (4) Any person who acts in contravention of subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000 or to imprisonment for a
10 term not exceeding 12 months or to both.

(5) In any proceedings for a contravention of subsection (2), it shall be a defence for the defendant to prove that —

(a) he did not know that the person he employed was not a
15 qualified person in respect of the prescribed practice of traditional Chinese medicine in question; and

(b) he had exercised due diligence to ascertain if the person was a qualified person.

(6) For the purposes of this section, “qualified person”, in relation to a prescribed practice of traditional Chinese medicine, means a
20 person who is —

(a) registered to carry out; and

(b) has in force a practising certificate which authorises him to carry out,

the prescribed practice of traditional Chinese medicine.

25 **Recovery of fees**

25. No person shall be entitled to demand, claim, accept, receive, retain or sue for or recover any fee or charge in any court for any act done in contravention of section 24.

Fraudulent registration, etc.

30 **26.** Any person who —

(a) procures or attempts to procure registration or a certificate of registration or a practising certificate, by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or
35 representation, whether in writing or otherwise;

- (b) wilfully makes or causes to be made any false entry in the Register;
- (c) forges or alters a certificate of registration or practising certificate;
- (d) fraudulently or dishonestly uses as genuine a certificate of registration or practising certificate which he knows or has reason to believe is forged or altered; or
- (e) buys, sells or fraudulently obtains a certificate of registration or practising certificate,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

PART V

MISCELLANEOUS

Examinations Committee

15

27.—(1) The Board may appoint a committee, to be known as the Examinations Committee, which shall consist of such number of members as the Board may determine.

(2) The functions of the Examinations Committee are —

- (a) to determine the standard and content of qualifying examinations for the purpose of registration under section 14;
- (b) to organise and conduct the examinations; and
- (c) to issue certificates to persons who have passed the examinations.

25

Investigation Committees

28.—(1) The Board may appoint one or more committees, to be known as Investigation Committees, to investigate any complaint or matter in respect of which the Board may take action against registered persons under section 19.

30

(2) An Investigation Committee shall comprise such number of members as the Board may determine, and the members may include members of the Board.

(3) The Board may at any time remove any member of or fill any vacancy in an Investigation Committee.

(4) A member of the Board who is a member of an Investigation Committee investigating any complaint or matter against a registered
5 person —

(a) shall not take part in any deliberation of the Board under section 19 in respect of that complaint or matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation.

10 **Powers and procedure of Investigation Committees**

29.—(1) For the purposes of an investigation, an Investigation Committee may require any person —

(a) to produce any book, document, paper or other record which may be related to the subject matter of the
15 investigation for inspection by the Investigation Committee and for making copies thereof; and

(b) to attend at a specified time and place and to give evidence or produce any such book, document, paper or record.

(2) Any person who without lawful excuse —

(a) refuses or fails to comply with any requirement of the
20 Investigation Committee under subsection (1); or

(b) refuses to answer or gives a false answer to any question put to him by a member of the Investigation Committee,

shall be guilty of an offence and shall be liable on conviction to a fine
25 not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Subject to any regulations made under section 36, an Investigation Committee shall have the power to regulate its own procedure.

(4) An Investigation Committee shall, within 3 months from the date a complaint or matter is referred to it or such further period as the Board may grant, complete its investigation on the complaint or matter and report its findings to the Board.

Powers to inspect premises, etc.

30.—(1) The Board may in writing authorise any officer —

- (a) to enter and inspect any premises which are used or proposed to be used, or in respect of which there is reasonable cause to believe that they are being used, for the carrying out of any prescribed practice of traditional Chinese medicine; 5
- (b) to inquire into and to report to the Board the conditions under which any prescribed practice of traditional Chinese medicine is being or is proposed to be carried out by any person; 10
- (c) to observe the conduct by any person of any course in any prescribed practice of traditional Chinese medicine; and
- (d) to enter and inspect any premises where any such course is or is proposed to be conducted. 15

(2) Any person who wilfully obstructs a duly authorised person in the exercise of his authority under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Funds of Board

20

31.—(1) All fees, penalties and other moneys payable under this Act or any regulations made thereunder shall be paid to the Board and any fee, penalty or other moneys not paid shall be recoverable by the Board as a debt due to the Board.

(2) All moneys received by the Board or the Registrar shall be paid into the funds of the Board. 25

(3) The costs and expenses of and incidental to the performance of the functions of the Board and any committee appointed by the Board shall be paid by the Board out of its funds.

(4) The Minister may pay into the funds of the Board such sum of money out of moneys to be provided by Parliament as the Minister may determine. 30

(5) The Board shall keep full and proper accounts of all moneys received and expended by it and the accounts shall be audited by an auditor or auditors approved by the Minister. 35

Assessor to Board

32.—(1) For the purposes of advising the Board and any committee appointed by the Board, the Board may appoint an assessor to the Board who shall be an advocate and solicitor of not
5 less than 10 years' standing.

(2) The assessor shall not participate or sit in any deliberations of the Board or its committees unless invited to do so, and his participation shall be limited only to questions of law arising from the proceedings.

10 (3) The Board may pay to the assessor such remuneration, to be paid as part of the expenses of the Board, as the Board may determine.

No action against Board, etc., in absence of bad faith

33. No action or legal proceedings shall lie against the Board, any
15 committee appointed by the Board, or any member or employee of the Board or committee, for any act or thing done under this Act or any regulations made thereunder unless it is proved to the court that the act or thing was done in bad faith or with malice.

Service of documents

20 **34.** Any notice, order or document required or authorised to be served under this Act or any regulations made thereunder shall be deemed to be duly served —

(a) by delivering a copy thereof personally or by leaving it with some adult person at the last known place of residence or
25 business of the person on whom it is to be served; or

(b) by sending it by registered post addressed to the person or whom the notice is to be served at his last known place of residence or business.

Exemption

30 **35.** The Minister may, in his discretion and subject to such conditions as he thinks fit, by order exempt any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder.

Regulations

36.—(1) Subject to the provisions of this Act, the Board may, with the approval of the Minister, make such regulations as may be necessary or expedient to give effect to the provisions and purposes of this Act and for the due administration thereof. 5

(2) Without prejudice to the generality of subsection (1), regulations may be made to —

- (a) provide for the duties of the Registrar;
- (b) provide for the form of the Register and the mode in which it shall be kept; 10
- (c) regulate the procedure of any committee appointed by the Board and the conduct of any proceedings of the committee;
- (d) provide for payment of fees to any member or any committee appointed by the Board;
- (e) regulate the removal and restoration of names in the Register; 15
- (f) prescribe the forms necessary for the administration of this Act;
- (g) prescribe the fees and other charges for the purposes of this Act; 20
- (h) provide that any person who contravenes any regulation made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and 25
- (i) prescribe such other matter as are necessary or authorised to be prescribed under this Act.

Amendment of Schedule

37. The Minister may, by order published in the *Gazette*, add to or amend the Schedule. 30

Transitional provisions

38.—(1) For the purpose of the first appointment of the members of the Board under section 3, the reference in subsection (2) (c) of that section to a registered person shall be read as a reference to any person who — 35

(a) immediately prior to the date of commencement of this Act, had been practising any type of traditional Chinese medicine; and

5 (b) possesses such qualification in or in relation to any type of traditional Chinese medicine which the Minister is satisfied renders him fit for appointment as a member.

(2) The Minister may by regulations make such further transitional provisions as he may consider necessary or expedient.

THE SCHEDULE

10

Section 2

EXPLANATORY STATEMENT

This Bill seeks to provide for the registration of persons carrying out such types of practices of traditional Chinese medicine (including acupuncture) as the Minister may prescribe from time to time.

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill. The term “acupuncture” is widely defined so as to include non-traditional Chinese types of acupuncture.

Clause 3 provides for the establishment of the Traditional Chinese Medicine Practitioners Board (referred to as the Board) as a body corporate and for the constitution of the Board.

Clause 4 sets out the functions of the Board.

Clause 5 provides for the appointment of the Chairman of the Board.

Clause 6 sets out the disqualifications for membership of the Board.

Clause 7 sets out the circumstances under which the office of a member of the Board becomes vacant and provides for the filling of vacancies.

Clause 8 provides for the power of the Chairman of the Board or the Registrar to call a meeting of the Board, the quorum for a meeting and the voting rights at a meeting.

Clause 9 provides for the appointment of an executive secretary and other employees of the Board.

Clause 10 provides for the appointment of committees by the Board.

Clause 11 provides for the appointment of the Registrar.

Clause 12 provides for the keeping and maintenance of a Register of Traditional Chinese Medicine Practitioners and the particulars to be entered in the Register.

Clause 13 requires the Registrar to make alterations to the Register in certain circumstances, eg., inserting a change in the particulars of a registered person, correcting an error in an entry, and removing the name of a person whose registration has been cancelled.

Clause 14 empowers the Minister to declare from time to time any type of practice of traditional Chinese medicine as a prescribed practice of traditional Chinese medicine if he is of the opinion that it is in the public interest for that type of practice of traditional Chinese medicine to be regulated under the Bill. A person who desires to carry out any prescribed practice of traditional Chinese medicine (including acupuncture) must apply to the Board to be registered. The Minister may make regulations to provide, inter alia, for different classes of registration, the form and manner of application for registration, the qualifications for registration, and the practice and conduct of registered persons.

Clause 15 sets out the circumstances under which the Board may refuse to register a person, and the right of a person aggrieved by such refusal to appeal to the Minister.

Clause 16 provides for the grant of a certificate of registration by the Board to a registered person.

Clause 17 provides for an application for a practising certificate and its renewal, and the circumstances under which a practising certificate is deemed cancelled.

Clause 18 requires the Registrar to publish a list of registered persons.

Clause 19 empowers the Board to cancel the registration of a registered person in certain circumstances. Instead of cancelling his registration, the Board may suspend his registration, impose a financial penalty, order his registration to be conditional on his compliance with specified conditions, or censure him.

Clause 20 empowers the Board to order a registered person to pay its costs and expenses if the Board has taken disciplinary action against him under clause 19.

Clause 21 provides for appeals to the High Court by persons aggrieved by decisions of the Board under clause 19.

Clause 22 provides that a conviction of a registered person shall be accepted as final and conclusive for the purposes of proceedings under clauses 19 and 21.

Clause 23 empowers the Board to re-register a person whose registration has been cancelled.

Clause 24 prohibits the carrying out of any prescribed practice of traditional Chinese medicine by any person who is not a qualified person. The clause also

prohibits a person who is not a qualified person from holding himself out as being qualified to carry out any prescribed practice of traditional Chinese medicine. The clause further prohibits a person from employing a person who is not a qualified person from carrying out any prescribed practice of traditional Chinese medicine. A qualified person is one who is registered to carry out, and who has in force a practising certificate authorising him to carry out, any prescribed practice of traditional Chinese medicine.

Clause 25 provides that a person may not recover any fee for an act done in contravention of clause 24.

Clause 26 makes the doing of certain acts an offence, such as the wrongful procurement of registration or a practising certificate, the wilful falsification of the Register, the forgery or alteration of a certificate of registration or practising certificate, the fraudulent use of such a certificate which has been forged or altered, and the buying and selling of such a certificate.

Clause 27 enables the Board to appoint an Examinations Committee which is responsible for determining the standard and contents of examinations for purposes of registration and for organising and conducting such examinations.

Clause 28 enables the Board to appoint an Investigation Committee to investigate any complaint or matter in respect of which the Board may take disciplinary action against a registered person under clause 19, and to make recommendations to the Board.

Clause 29 provides for the powers of an Investigation Committee in carrying out investigations.

Clause 30 empowers the Board to authorise any officer to enter and inspect premises suspected to be used for carrying out any prescribed practice of traditional Chinese medicine, to inquire into and report to the Board the conditions under which any such practice is being carried out, to observe the conduct of any course in any such practice, and to enter and inspect premises where such course is or is proposed to be conducted.

Clause 31 relates to the funds of the Board and their application.

Clause 32 provides for the appointment of an assessor to the Board, being an advocate and solicitor of not less than 10 years' standing, to advise the Board and any committee appointed by the Board.

Clause 33 provides that no legal proceedings shall lie against the Board, its committees or any of their members or employees for anything done under the Bill or the regulations in the absence of bad faith.

Clause 34 relates to the service of notices, orders and documents under the Bill and any regulations made thereunder.

Clause 35 empowers the Minister to exempt any person or class of persons from all or any of the provisions of the Bill or any regulations made thereunder.

Clause 36 empowers the Board to make regulations with the approval of the Minister.

Clause 37 empowers the Minister to amend the Schedule by order published in the *Gazette*.

Clause 38 contains certain transitional provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which at present cannot be ascertained.
