



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## BILLS SUPPLEMENT

*Published by Authority*

---

---

NO. 47]

TUESDAY, NOVEMBER 26

[2002

---

---

First published in the *Government Gazette*, Electronic Edition, on 26th November 2002 at 5:00 pm.

**Notification No. B 47** — The Medical Registration (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 25th day of November 2002.

# **Medical Registration (Amendment) Bill**

---

**Bill No. 47/2002.**

*Read the first time on 25th November 2002.*

A BILL

*i n t i t u l e d*

An Act to amend the Medical Registration Act (Chapter 174 of the 1998 Revised Edition).

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

### **Short title and commencement**

1. This Act may be cited as the Medical Registration (Amendment) Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of section 2**

2. Section 2 of the Medical Registration Act (referred to in this Act as the principal Act) is amended by inserting, immediately before the definition of “degree”, the following definitions:

““certificate of experience” means a certificate granted under section 26;

“conditional registration” means registration under section 20(3), 21(1) or (1A), 33A(1), 46(1) or 49(1) subject to such conditions as the Medical Council may think fit;”.

### **Amendment of section 4**

3. Section 4 of the principal Act is amended —

- (a) by deleting subsection (1)(b);
- (b) by deleting the words “8 registered medical practitioners” in subsection (1)(d) and substituting the words “9 registered medical practitioners”;
- (c) by deleting the words “5 registered medical practitioners” in subsection (1)(e) and substituting the words “7 registered medical practitioners”;
- (d) by deleting the words “subsection (1)(b), (c), (d) and (e)” in subsection (2) and substituting the words “subsection (1)(c), (d) and (e)”; and
- (e) by deleting the words “subsection (1)(b), (c) or (e)” in subsection (4) and substituting the words “subsection (1)(c) or (e)”.

### **Amendment of section 9**

4. Section 9 of the principal Act is amended —

- (a) by deleting subsection (4) and substituting the following subsection:

“(4) If any vacancy arises among the elected members, the Minister shall, as soon as practicable, appoint any registered medical practitioner resident in Singapore to fill that vacancy.”; and

- 5       (b) by deleting the words “or elected” wherever they appear in subsection (6).

### **Amendment of section 12**

5. Section 12(2) of the principal Act is amended by deleting the words “6 members” and substituting the words “7 members”.

### **Amendment of section 19**

6. Section 19 of the principal Act is amended —

- (a) by deleting the words “section 20” in subsection (1)(a)(i) and substituting the words “section 20(1) and (2)”;
- (b) by deleting the words “under section 21” in subsection (1)(a)(ii);
- 15       and
- (c) by inserting, immediately after subsection (4), the following subsections:

20       “(5) The Registrar may disclose any information in the registers to any person prescribed by regulations made under this Act, if such disclosure is in accordance with such conditions as may be specified in those regulations.

      “(6) Subsection (5) is without prejudice to any other right or duty to disclose the information under general or written law.”.

### **Amendment of section 20**

25       7. Section 20 of the principal Act is amended —

- (a) by inserting, immediately after the words “Singapore degree” in subsection (1), the words “and a certificate of experience”;
- (b) by inserting, immediately after the words “Medical Council” where they first appear in the 3rd line of subsection (2), the words “, complies with section 27”; and
- 30       (c) by inserting, immediately after subsection (2), the following subsection:

5 “(3) Notwithstanding subsections (1) and (2), the Medical Council may, if it is of the view that it is not in the public interest for a person referred to in either of those subsections to be registered as a fully registered medical practitioner, direct that he be registered as a medical practitioner with conditional registration in Part II of the Register of Medical Practitioners, and section 21(4) to (8) shall apply accordingly.”.

### **Amendment of section 21**

**8.** Section 21 of the principal Act is amended —

- 10 (a) by deleting the word “and” at the end of subsection (1)(b);
- (b) by deleting the comma at the end of paragraph (c) of subsection (1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(d) complies with section 27,”;

- 15 (c) by inserting, immediately after subsection (1), the following subsection:

“(1A) Subject to the provisions of this Act, any person who holds —

- (a) a Singapore degree; and
- 20 (b) a certificate approved by the Medical Council as being equivalent to a certificate of experience and granted by a hospital or an institution outside Singapore that is recognised by the Medical Council for the purpose of this paragraph,

25 shall be entitled to be registered as a medical practitioner with conditional registration in Part II of the Register of Medical Practitioners.”;

(d) by deleting subsection (3); and

(e) by deleting the word “imposed” in subsection (4).

### **Amendment of section 23**

**9.** Section 23(1) of the principal Act is amended by inserting, immediately before the word “may” in the 15th line, the words “and who,

if he has a degree other than a Singapore degree, complies with section 27.”.

#### **Amendment of section 24**

5 **10.** Section 24 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) This section shall have effect for enabling persons desirous of obtaining certificates of experience to be employed as mentioned in section 26(1).”.

#### **Repeal of section 25**

10 **11.** Section 25 of the principal Act is repealed.

#### **Amendment of section 26**

**12.** Section 26 of the principal Act is amended —

- 15 (a) by deleting the words “certificate under this section” in the 1st line of subsection (1) and substituting the words “certificate of experience”;
- (b) by inserting, immediately after the word “institutions” in the penultimate line of subsection (1), the words “in Singapore”;
- 20 (c) by deleting the words “certificate to the hospital or institution concerned and if that hospital or institution” in the 2nd and 3rd lines of subsection (2) and substituting the words “certificate of experience to the certifying authority, and if the certifying authority”;
- 25 (d) by deleting the words “hospital or institution” in the penultimate line of subsection (2) and substituting the words “certifying authority”;
- (e) by deleting the word “certificate” in the last line of subsection (2) and substituting the words “certificate of experience”; and
- (f) by inserting, immediately after subsection (2), the following subsection:

30 “(3) In subsection (2), “certifying authority” means the Dean of the Faculty of Medicine of the National University of Singapore or such other person as may be prescribed.”.

### **Amendment of section 27**

**13.** Section 27 of the principal Act is amended —

- (a) by deleting the words “For the purpose of section 25(b), a person with” in the 1st line and substituting the words “A person applying for registration by virtue of”;
- (b) by deleting paragraph (a) and substituting the following paragraph:
  - “(a) a certificate of experience, or a certificate approved by the Medical Council as being equivalent to a certificate of experience and granted by a hospital or an institution outside Singapore that is recognised by the Medical Council for the purpose of this paragraph; or”; and
- (c) by deleting the words “certificate under section 26” in paragraph (b) and substituting the words “certificate of experience”.

### **Amendment of section 32**

**14.** Section 32 of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (e); and
- (b) by deleting paragraph (f) and substituting the following paragraphs:
  - “(f) remove from a register the name of any person who has not renewed his practising certificate for a continuous period of not less than 5 years, and who cannot be contacted or sent any document using his particulars in the register; and
  - (g) remove from a register the name of any person who has requested and shown sufficient reason for his name to be removed from that register, unless an inquiry has or proceedings have commenced under Part VII against that person.”.

### **Amendment of section 33**

**15.** Section 33(1) of the principal Act is amended by deleting the words “pursuant to section 21” in paragraph (a).

### **New section 33A**

**16.** The principal Act is amended by inserting, immediately after section 33, the following section:

#### **“Restoration of names removed under section 32 or 33**

5       **33A.**—(1) Where the name of a person has been removed from a register under section 32(f) or 33(1)(a), (b), (c) or (g), the Medical Council may, upon application by the person, if it thinks fit direct —

(a) that his name be restored to the register; or

10       (b) that he be registered as a medical practitioner with conditional registration in Part II of the Register of Medical Practitioners, and section 21(4) to (8) shall apply accordingly.

(2) No application under subsection (1) shall be made to the Medical Council more than once in any period of 6 months by or on behalf of the medical practitioner.

(3) No application under subsection (1) shall be made to the Medical Council by or on behalf of the medical practitioner unless the medical practitioner has complied with all the terms of the order made against him under section 33(1), where applicable.”.

### **Amendment of section 36**

**17.** Section 36 of the principal Act is amended by inserting, immediately after subsection (5), the following subsection:

25       “(6) The Medical Council may refuse to grant a practising certificate to a registered medical practitioner, or may refuse to renew his practising certificate, if the registered medical practitioner fails to comply with any condition that is prescribed by the Medical Council with the approval of the Minister for the purposes of this section.”.

### **Amendment of section 39**

**18.** Section 39 of the principal Act is amended —

30       (a) by inserting, immediately after the words “Complaints Committees” in the 1st line of subsection (1), the words “and Disciplinary Committees”;



- (b) by deleting the words “3 members” in subsection (1)(a) and substituting the words “10 members”;
- (c) by inserting, immediately after the word “persons” in subsection (1)(c), the words “nominated by the Minister”; and
- 5 (d) by deleting subsection (2) and substituting the following subsection:

10 “(2) The term of office of a member of the Complaints Panel referred to in subsection (1)(a) shall expire at the end of his term of office as member of the Medical Council, and a member of the Complaints Panel referred to in subsection (1)(b) or (c) shall be appointed for a term of 2 years; and any member shall be eligible for reappointment.”.

#### **Amendment of section 40**

**19.** Section 40 of the principal Act is amended —

- 15 (a) by inserting, immediately after subsection (1), the following subsection:
 

20 “(1A) The Medical Council may, on its own motion, refer any information on the conviction of a registered medical practitioner of any offence implying a defect in character which makes him unfit for his profession to the Chairman of the Complaints Panel.”;
- (b) by deleting the words “section 54 or 56” in the 3rd line of subsection (2) and substituting the words “section 54, 54A or 56”;
- 25 (c) by inserting, immediately after the words “subsection (1)” in the penultimate line of subsection (2) and in the last line of subsection (4), the words “or (1A)”;
- (d) by deleting paragraphs (b) and (c) of subsection (4) and substituting the following paragraph:
 

30 “(b) 2 members of the Complaints Panel who are registered medical practitioners, and at least one of whom is not a member of the Medical Council; and”;
- (e) by deleting the words “subsection (1)” in subsection (6) and substituting the words “subsection (1)(a) or (b) or (1A)”;

- (f) by inserting, immediately after subsection (6), the following subsection:

“(6A) Where any complaint or information mentioned in subsection (1)(c) is referred to the Chairman of the Complaints Panel, the Chairman of the Complaints Panel shall —

(a) if he is satisfied, based on any information given in support of the complaint or information, that a formal inquiry is necessary to determine the physical or mental fitness of the registered medical practitioner to practise, refer the complaint or information to the Health Committee; or

(b) in any other case, lay the complaint or information before a Complaints Committee.”;

- (g) by deleting subsection (14) and substituting the following subsection:

“(14) A Complaints Committee shall inquire into the complaint or information, or any information or evidence referred to in subsection (21A), and complete its preliminary inquiry not later than 3 months from —

(a) the date the complaint or information is laid before the Complaints Committee; or

(b) the date the information or evidence referred to in subsection (21A) is received by the Complaints Committee,

as the case may be.”; and

- (h) by inserting, immediately after subsection (21), the following subsections:

“(21A) Where, in the course of its inquiry, a Complaints Committee receives information touching on or evidence of the conduct or physical or mental fitness of the registered medical practitioner concerned which may give rise to proceedings under this Part, the Complaints Committee may, after giving notice to him, decide on its own motion to inquire into that matter.

(21B) Where the complainant withdraws his complaint before —

(a) it is referred to a Complaints Committee or the Health Committee under this section; or

5 (b) the conclusion of the inquiry of a Complaints Committee or Disciplinary Committee before which it is laid, or of the Health Committee,

10 the Medical Council may, notwithstanding such withdrawal, direct that an inquiry be conducted into the complaint or the inquiry into the complaint be continued, and the Chairman of the Complaints Panel, the Complaints Committee, the Disciplinary Committee or the Health Committee, as the case may be, shall comply with such direction as if the complaint had been made by the Medical Council.”.

15 **Amendment of section 41**

**20.** Section 41 of the principal Act is amended —

(a) by inserting, immediately after the word “information,” in the 1st line of subsection (1), the words “or any information or evidence referred to in section 40(21A),”;

20 (b) by deleting the words “or information” in the 3rd line of subsection (2) and substituting the words “, information or evidence”; and

(c) by deleting subsection (5) and substituting the following subsection:

25 “(5) A Complaints Committee shall notify the registered medical practitioner concerned and the person who made the complaint or gave the information under section 40(1) of its decision under subsection (1) and, if it makes an order under subsection (1)(a), the reason for making the order.”.

### **Amendment of section 42**

**21.** Section 42 of the principal Act is amended —

- (a) by inserting, immediately after the word “appoint” in the 1st line of subsection (1), the words “, from among members of the Complaints Panel,”;
- (b) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:
 

“(b) one observer who is a lay person,”; and
- (c) by inserting, immediately after the words “Medical Council” in the 2nd line of subsection (11), the words “or Complaints Panel”.

### **Repeal of section 43**

**22.** Section 43 of the principal Act is repealed.

### **Amendment of section 45**

**23.** Section 45 of the principal Act is amended —

- (a) by deleting the words “section 54 or 56” in subsection (1)(e) and substituting the words “section 54, 54A or 56”;
- (b) by deleting the word “registers” in subsection (2)(a) and substituting the words “appropriate register”;
- (c) by deleting paragraph (b) of subsection (2) and substituting the following paragraph:
 

“(b) by order suspend the registration of the registered medical practitioner in the appropriate register for a period of not less than 3 months and not more than 3 years,”;
- (d) by inserting, immediately after the words “Disciplinary Committee” in the 4th line of subsection (4), the words “and, where applicable, an Interim Orders Committee”;
- (e) by inserting, immediately after the words “Disciplinary Committee” in subsection (6)(a) and (c), the words “and the Interim Orders Committee”;

- (f) by deleting subsection (7) and substituting the following subsection:

“ (7) Where a registered medical practitioner in respect of whom an order is made under subsection (2)(c), or an order for interim restricted registration is made under section 49B(1)(b) or 49D(1)(d), is judged by a Disciplinary Committee (whether, in the case of an order under subsection (2)(c), it is the Disciplinary Committee that made the order or another Disciplinary Committee appointed in its place) to have failed to comply with any of the requirements imposed on him as conditions of his registration, the Disciplinary Committee may, if it thinks fit, order —

(a) that his name be removed from the appropriate register; or

(b) that his registration in the appropriate register be suspended for such period not exceeding 12 months as may be specified in the order.”;

- (g) by inserting, immediately after subsection (8), the following subsection:

“ (8A) Where a Disciplinary Committee has made an order for suspension under subsection (2)(b) or (7)(b) against a person and that person has failed to comply with that order, the Disciplinary Committee or another Disciplinary Committee appointed in its place may, if it thinks fit, order —

(a) that his name be removed from the appropriate register; or

(b) that, from the expiry of the current period of suspension, his registration in the appropriate register be restricted in such manner as it thinks fit for a period not exceeding 3 years.”;

- (h) by inserting, immediately after the words “subsection (8)” in the 3rd line of subsection (10), the words “or (8A)”;

- (i) by deleting the words “subsection (2) or (7)” in subsections (14), (15) and (18) and substituting in each case the words “subsection (2), (7) or (8A)”.

### **Amendment of section 46**

**24.** Section 46(1) of the principal Act is amended by deleting the words “if it thinks fit, direct his name to be restored to the register.” in the penultimate and last lines and substituting the following words:

5 “if it thinks fit direct —

(a) that his name be restored to the register; or

(b) that he be registered as a medical practitioner with conditional registration in Part II of the Register of Medical Practitioners, and section 21(4) to (8) shall  
10 apply accordingly.”.

### **Amendment of section 48**

**25.** Section 48 of the principal Act is amended —

(a) by inserting, immediately after the words “Health Committee” in subsection (1)(a), the words “and, where applicable, an Interim Orders Committee”;  
15

(b) by deleting the words “by the Health Committee is” in the 2nd and 3rd lines of subsection (3) and substituting the words “, or an order for interim restricted registration is made under section 49B(1)(b) or 49D(1)(d), is”;

(c) by inserting, immediately after subsection (4), the following subsection:  
20

“(4A) Where the Health Committee has made an order for suspension under subsection (1) or (3) against a person and that person has failed to comply with that order, the Health Committee may, if it thinks fit —  
25

(a) make a recommendation referred to in subsection (1)(d) to the Medical Council, and subsection (2) shall apply accordingly; or

(b) order that, from the expiry of the current period of suspension, his registration in the appropriate register be restricted in such manner as it thinks fit for a period not exceeding 3 years.”; and  
30

- (d) by inserting, immediately after the words “subsection (4)” in the 3rd line of subsection (6), the words “or (4A)”.

### **Repeal and re-enactment of section 49**

26. Section 49 of the principal Act is repealed and the following section substituted therefor:

#### **“Restoration of names removed on recommendation of Health Committee**

49.—(1) Where the name of a person has been removed from a register on the recommendation of the Health Committee under section 48, the Medical Council may, upon application by the person, if it thinks fit direct —

(a) that his name be restored to the register; or

(b) that he be registered as a medical practitioner with conditional registration in Part II of the Register of Medical Practitioners, and section 21(4) to (8) shall apply accordingly.

(2) No application under subsection (1) shall be made to the Medical Council more than once in any period of 12 months by or on behalf of the medical practitioner.

(3) No application under subsection (1) shall be made to the Medical Council by or on behalf of the medical practitioner unless the medical practitioner has complied with all the terms of the order made against him.”.

### **New sections 49A to 49I**

27. The principal Act is amended by inserting, immediately after section 49, the following sections:

#### **“Interim Orders Committee**

49A.—(1) The Medical Council may from time to time appoint one or more committees each comprising 3 of its members, to be known for the purposes of this Act as Interim Orders Committees, to inquire into any matter referred by the Medical Council under subsection (3).

(2) An Interim Orders Committee may be appointed in connection with one or more matters or for a fixed period of time.

(3) The Chairman of the Complaints Panel, a Complaints Committee, a Disciplinary Committee or the Health Committee may refer any complaint or information to the Medical Council for the purpose of determining if an order should be made under section 49B; and the Medical Council shall refer the complaint or information to an Interim Orders Committee for this purpose.

(4) A member of a Complaints Committee or Disciplinary Committee inquiring into any matter shall not be a member of an Interim Orders Committee inquiring into or reviewing that matter.

(5) A member of an Interim Orders Committee inquiring into or reviewing any matter shall not be a member of a Complaints Committee or Disciplinary Committee inquiring into that matter, or take part in any deliberation of the Medical Council under section 48(2) in respect of that matter.

(6) Neither the Chairman of the Complaints Panel nor any member of the Health Committee shall be a member of an Interim Orders Committee.

(7) All members of an Interim Orders Committee shall vote on any question arising at a meeting of the Interim Orders Committee and such question shall be determined by a majority of votes.

(8) A member of an Interim Orders Committee which has commenced any inquiry or review of any case shall, notwithstanding that he has ceased to be a member of the Medical Council, continue to be a member of the Interim Orders Committee until completion of that inquiry or review.

(9) Subsections (5), (6), (7), (10), (13) to (17) and (20) of section 42 shall apply, with the necessary modifications, to an Interim Orders Committee and to proceedings before it as they apply to a Disciplinary Committee and to proceedings before a Disciplinary Committee.

### **Interim orders**

**49B.**—(1) Where, upon due inquiry into any complaint or information referred to it, an Interim Orders Committee is satisfied



that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of a registered medical practitioner, for his registration to be suspended or to be made subject to conditions, the Interim Orders Committee may make an order —

(a) that his registration in the appropriate register be suspended for such period not exceeding 18 months as may be specified in the order (referred to in this Part as an interim suspension order); or

(b) that his registration be conditional on his compliance, during such period not exceeding 18 months as may be specified in the order, with such requirements so specified as the Interim Orders Committee thinks fit to impose (referred to in this Part as an order for interim restricted registration).

(2) The Registrar shall immediately serve a notification of the order under subsection (1) on the registered medical practitioner.

### **Review of interim orders**

**49C.**—(1) Subject to subsection (2), where an Interim Orders Committee has made an order under section 49B, the Interim Orders Committee or another Interim Orders Committee appointed in its place —

(a) shall review it within the period of 6 months beginning on the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it before the end of the period of 3 months beginning on the date of the decision of the immediately preceding review; and

(b) may review it where new evidence relevant to the order has become available after the making of the order.

(2) Where the High Court has extended the order under section 49F(2) or an Interim Orders Committee has made a replacement order under section 49D(1)(c) or (d), the first review after such extension or making of the replacement order shall take place —

(a) if the order (or the order which has been replaced) had not been reviewed under subsection (1), within the period of 6

months beginning on the date on which the High Court ordered the extension or on which the replacement order was made, as the case may be; or

- (b) if it had been reviewed under subsection (1), within the period of 3 months beginning on the date on which the High Court ordered the extension or on which the replacement order was made.

**Interim Orders Committee may revoke, vary or replace interim order**

**49D.**—(1) Where an interim suspension order or an order for interim restricted registration has been made under this section or section 49B in relation to any person, the Interim Orders Committee that made the order or another Interim Orders Committee appointed in its place may, either upon its review referred to in section 49C or upon the recommendation of a Complaints Committee, a Disciplinary Committee or the Health Committee —

- (a) revoke the order or revoke any condition imposed by the order;
- (b) make an order varying any condition imposed by the order;
- (c) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the registered medical practitioner concerned, or that the registered medical practitioner has not complied with any requirement imposed as a condition of his registration in the order for interim restricted registration, replace that order with an interim suspension order having effect for the remainder of the period of the former; or
- (d) if satisfied that the public interest or the interests of the registered medical practitioner concerned would be more adequately served by an order for interim restricted registration, replace the interim suspension order with an order for interim restricted registration having effect for the remainder of the period of the former.

(2) The Registrar shall immediately serve a notification of the decision under subsection (1) on the registered medical practitioner.

### **Right of hearing**

5 **49E.**—(1) No order under section 49B or 49D(1)(*b*), (*c*) or (*d*) shall be made by an Interim Orders Committee in respect of any registered medical practitioner unless he has been afforded an opportunity of appearing before the Interim Orders Committee and being heard on the question whether such an order should be made in his case.

(2) For the purposes of subsection (1), the registered medical practitioner may be represented before the Interim Orders Committee by counsel.

10 (3) Regulations made for the purposes of an Interim Orders Committee may include provision securing that the registered medical practitioner in respect of whom an interim suspension order or an order for interim restricted registration has been made shall, if he so requires, be entitled to be heard by the Interim Orders Committee on each occasion on which it reviews the order, and be represented by  
15 counsel during such review.

### **Application to High Court**

20 **49F.**—(1) The Medical Council may apply to the High Court for an order made under section 49B or 49D(1)(*c*) or (*d*) to be extended, and may apply again for further extensions.

(2) On such an application, the High Court may extend (or further extend) for up to 12 months the period for which the order has effect.

(3) The High Court may, on application by the registered medical practitioner concerned —

- 25 (a) in the case of an interim suspension order, revoke the order;
- (b) in the case of an order for interim restricted registration, revoke the order or vary any condition imposed by the order;
- (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could  
30 have been specified in the order when it was made (or in the order extending it).

### **Duration of interim orders**

**49G.**—(1) An interim suspension order or an order for interim restricted registration shall be in force until —

(a) the end of the period specified in the order or, if extended under section 49F(2), in the order extending it; or

(b) the date on which proceedings are concluded,

whichever is the earlier.

(2) For the purposes of subsection (1)(b), proceedings are concluded if —

(a) the Complaints Committee inquiring into the complaint or information has made an order under section 41(1)(a) and —

(i) no appeal to the Minister under section 41(6) or (7) was made against that decision within the period specified in that section or such an appeal was withdrawn; or

(ii) the Minister made an order under section 41(8)(a) or (c);

(b) the Disciplinary Committee inquiring into the complaint or information has made an order under section 45(2) which has taken effect, or has dismissed the complaint or matter under section 45(21); or

(c) the Health Committee has made an order under section 48(1) which has taken effect, the Medical Council has made an order under section 48(2) which has taken effect, or the Health Committee has dismissed the complaint or matter,

as the case may be.

### **Person suspended under interim suspension order not regarded as registered**

**49H.**—(1) While a person's registration in the register is suspended by virtue of an interim suspension order, he shall not be regarded as being registered notwithstanding that his name still appears in the register.

(2) Immediately upon the expiry or revocation of the order, the person's rights and privileges as a registered medical practitioner

shall be revived from the date of such expiry or revocation, provided that he has complied with all the terms of the order.

(3) For the avoidance of doubt, sections 40 to 45, 47 and 48 shall continue to apply to a person whose registration in the register is suspended by virtue of an interim suspension order.

### **Medical Council may appoint legal counsel**

**49I.** For the purposes of an inquiry under this Part by a Disciplinary Committee, the Health Committee or an Interim Orders Committee, the Medical Council may appoint an advocate and solicitor and pay him, as part of the expenses of the Medical Council, such remuneration as the Medical Council may determine.”.

### **Amendment of section 51**

**28.** Section 51 of the principal Act is amended by deleting the words “and the Health Committee” in the 2nd and 3rd lines of subsection (1) and in the 3rd line of subsection (2) and substituting in each case the words “, the Health Committee and the Interim Orders Committees”.

### **Amendment of section 53**

**29.** Section 53(1) of the principal Act is amended by deleting the words “who is suspended from practice” and substituting the words “whose registration in the appropriate register is suspended under Part VII”.

### **New section 54A**

**30.** The principal Act is amended by inserting, immediately after section 54, the following section:

#### **“False assumption of title of specialist**

**54A.—(1)** A registered medical practitioner who is not registered under section 22 as a specialist in a branch of medicine shall not —

- (a) practise medicine or that branch of medicine under the style or title of a specialist in that branch of medicine, or under any name, title, addition or description implying that he is such a specialist or has any degree, qualification or experience in that branch of medicine; or

(b) advertise or hold himself out as a specialist in that branch of medicine.

(2) A registered medical practitioner who contravenes subsection (1) may be subject to disciplinary proceedings under this Act.”.

## 5 **Amendment of section 58**

**31.** Section 58(2) of the principal Act is amended —

(a) by deleting paragraph (b) and substituting the following paragraph:

10 “(b) regulating the grant and renewal of practising certificates, including prescribing conditions for such grant and renewal;”; and

(b) by inserting, immediately after paragraph (d), the following paragraph:

15 “(da) enabling a Disciplinary Committee, the Health Committee and an Interim Orders Committee to order and give discovery and inspection of documents for the purpose of any proceedings before them;”.

## **Term of office of member appointed or elected to take place of existing member**

20 **32.**—(1) Notwithstanding section 4(2) of the principal Act, a person appointed or elected after the date of commencement of this Act as a member of the Medical Council to take the place of a member of the Medical Council who was appointed or elected before that date and whose term of office has expired, shall hold office for a term that is determined  
25 by the Minister by order published in the *Gazette*.

(2) The Minister may determine a term of office that is not less than 6 months and not more than 40 months.

## **Transitional provisions**

30 **33.**—(1) A lay person who was appointed as a member of the Complaints Panel before the date of commencement of this Act, and whose term has not expired by that date, shall be deemed, for the purposes of section 39(1)(c) of the principal Act as amended by this Act, to have been nominated by the Minister for such appointment and shall continue

to be a member of the Complaints Panel until the date of expiry of that term.

(2) Notwithstanding sections 20, 21 and 23 of the principal Act (as amended by this Act), the Minister may, subject to such conditions as he may determine, by regulations exempt any person or person within a class of persons who, at any time on or before the date of commencement of this Act, was engaged as a house officer, or in such other similar capacity as may be approved by the Medical Council, in a hospital or an institution approved by the Medical Council under section 26 of the principal Act, from the requirement that he must —

- (a) in the case of section 20(1) of the principal Act, hold a certificate of experience;
- (b) in the case of section 20(2), 21(1) or 23 of the principal Act, comply with section 27 of the principal Act; or
- (c) in the case of subsection (1A) of section 21 of the principal Act, hold a certificate referred to in paragraph (b) of that subsection,

before he may be registered.

(3) The Minister may, by regulations, prescribe such other transitional and savings provisions as he may consider necessary or expedient.

---

## EXPLANATORY STATEMENT

This Bill seeks to amend the Medical Registration Act (Cap. 174).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to insert definitions for “certificate of experience”, as used in sections 20, 21, 24, 26 and 27 as amended by the Bill, and “conditional registration”, as used in sections 19, 20, 21, 33, 33A, 46 and 49 as amended by the Bill.

Clause 3 amends section 4 —

- (a) to remove the requirement that one member of the Medical Council (the Council) must be a medical officer in the public service;
- (b) to increase the number of registered medical practitioners who are elected to be members of the Council from 8 to 9; and
- (c) to increase the number of registered medical practitioners who are appointed by the Minister as members of the Council from 5 to 7.

Clause 4 amends section 9 to enable any casual vacancy in the elected membership of the Council to be filled by way of an appointment by the Minister.

Clause 5 amends section 12(2) to increase the quorum for a meeting of the Council from 6 to 7 members.

Clause 6 amends section 19 to provide for a right of the Registrar to disclose information in the registers to persons prescribed under regulations.

Clause 7 amends section 20 —

- (a) to incorporate the requirement in section 25 (to be repealed by clause 11) that an applicant for full registration as a medical practitioner must have a local certificate of experience; and that a specialist without a Singapore degree who applies for full registration must comply with section 27; and
- (b) to give the Council the right to grant conditional instead of full registration to a qualified person if the Council is of the view that it is not in the public interest for him to be granted full registration.

Clause 8 amends section 21 —

- (a) to incorporate the requirement in section 25 (to be repealed by clause 11) that an applicant for conditional registration as a medical practitioner must comply with section 27; and
- (b) to provide that an applicant with a Singapore degree but a foreign certificate of experience may be granted conditional registration.

Clause 9 amends section 23(1) to incorporate the requirement in section 25 (to be repealed by clause 11) that an applicant for temporary registration as a medical practitioner must comply with section 27.

Clause 10 makes an amendment to section 24 that is consequential upon the insertion of a definition of “certificate of experience” under clause 2.

Clause 11 repeals section 25 as its requirements have been incorporated by the Bill in sections 20, 21 and 23.

Clause 12 amends section 26 —

- (a) to clarify that the section only applies to local housemanship; and
- (b) to provide that local certificates of experience are issued by the Dean of the Faculty of Medicine of the National University of Singapore or a prescribed person.

Clause 13 amends section 27 to enable the holder of a foreign degree applying for registration as a medical practitioner to use a foreign certificate of experience approved by the Council, instead of a local certificate of experience or evidence of equivalent experience.



Clause 14 amends section 32 to provide that the Registrar may remove from a register —

- (a) the name of a registered medical practitioner who has not renewed his practising certificate for 5 years, if he cannot be contacted or sent any document using his particulars in the register; and
- (b) the name of a registered medical practitioner who has requested and shown sufficient reason for his name to be removed.

Clause 15 makes an amendment to section 33(1) that is consequential upon the insertion of a definition of “conditional registration” under clause 2.

Clause 16 inserts a new section 33A to enable the Council upon application to restore to the register the name of a medical practitioner which has been removed on certain grounds in sections 32 and 33 or to register him with conditional registration.

Clause 17 amends section 36 to enable the Council to prescribe conditions for the grant or renewal of practising certificates. Such conditions may include undergoing continuing medical education.

Clause 18 amends section 39 —

- (a) to provide that members of Disciplinary Committees are to be appointed from members of the Complaints Panel;
- (b) to increase the minimum number of members of the Complaints Panel who are members of the Council from 3 to 10;
- (c) to provide that lay members of the Complaints Panel are to be appointed from persons nominated by the Minister; and
- (d) to provide that the term of office of a member of the Complaints Panel who is appointed by virtue of his being a member of the Council shall expire at the end of his term of office as a member of the Council.

Clause 19 amends section 40 —

- (a) to enable the Medical Council to refer any information on the conviction of a registered medical practitioner to the Chairman of the Complaints Panel even though it has not received any complaint or information of such conviction from any person;
- (b) to include, as a ground for a direct reference to a Disciplinary Committee, a contravention of new section 54A;
- (c) to enable the Chairman of the Complaints Panel to refer any complaint or information on the unfitness of a registered medical practitioner to practise directly to the Health Committee instead of a Complaints Committee, if he is satisfied that an inquiry is necessary based on the information given;
- (d) to enable a Complaints Committee to inquire into any information received by it that is not part of the complaint it is inquiring into; and

- (e) to enable an inquiry to be commenced or carried on despite the withdrawal of the complaint.

Clause 20 amends section 41 —

- (a) to clarify that parties to an inquiry by a Complaints Committee need only be informed of the decision of the Committee rather than how it arrived at the decision, and to provide that reasons must be given where no formal inquiry is ordered; and
- (b) to make other amendments that are consequential upon the amendment to section 40 under clause 19.

Clause 21 amends section 42 to provide that members of Disciplinary Committees are to be appointed from members of the Complaints Panel.

Clause 22 repeals section 43 which is replaced by new section 49I.

Clause 23 amends section 45 —

- (a) to include, as a ground for a Disciplinary Committee to take action under that section, a contravention of new section 54A;
- (b) to enable a Disciplinary Committee to order the registered medical practitioner to pay the costs of proceedings before an Interim Orders Committee established under the new section 49A;
- (c) to enable a Disciplinary Committee to exercise certain powers in the event of the breach of an order for interim restricted registration made under the new section 49B(1)(b) or 49D(1)(d) when the case concerned is referred to them; and
- (d) to provide for powers which a Disciplinary Committee may exercise upon the breach of a suspension order by a person.

Clause 24 amends section 46(1) to enable the Council to re-register with conditional registration a person whose name has been ordered removed from a register by a Disciplinary Committee.

Clause 25 makes amendments to section 48 (which deals with Health Committee proceedings) similar to those in clause 23.

Clause 26 repeals and re-enacts section 49 —

- (a) to provide that a person whose name is ordered to be removed from a register by a Health Committee may not apply for the restoration of his registration more than once every 12 months; and
- (b) to enable the Council to re-register that person with conditional registration.

Clause 27 inserts new sections 49A to 49H to enable the Council to appoint Interim Orders Committees with the power to suspend or restrict the practice of a registered medical practitioner in the public interest or for public safety, until the outcome of the disciplinary or health inquiry against him becomes known.

The new section 49A sets out the constitution of an Interim Orders Committee and provides for matters relating to the proceedings before the Committee.

The new section 49B provides for the interim orders which an Interim Orders Committee may make, namely an interim suspension order and an order for interim restricted registration.

The new section 49C states the period within which an interim order must be reviewed by an Interim Orders Committee.

The new section 49D enables an Interim Orders Committee to revoke, vary or replace an interim order upon its review or the recommendation of a Complaints Committee, a Disciplinary Committee or the Health Committee.

The new section 49E requires a registered medical practitioner to be given a right of hearing before an Interim Orders Committee as to whether an interim order should be made against him.

The new section 49F enables the Council to apply to the High Court to extend an interim order, and enables the registered medical practitioner concerned to apply to the High Court to revoke, vary, or substitute the period of, an interim order.

The new section 49G sets out the duration of an interim order.

The new section 49H provides that a person suspended under an interim suspension order will not be regarded as registered under the Act.

Clause 27 also inserts a new section 49I which enables the Council to appoint an advocate and solicitor for the purposes of inquiries by a Disciplinary Committee, the Health Committee and an Interim Orders Committee.

Clause 28 amends section 51(1) and (2) to enable the assessor to the Council to advise an Interim Orders Committee.

Clause 29 amends section 53(1) to clarify that that provision applies to a person whose registration has been suspended under any provision of Part VII.

Clause 30 inserts a new section 54A to prohibit the use by a registered medical practitioner of the title of a specialist of a particular branch of medicine if he is not registered under section 22 as such specialist.

Clause 31 amends section 58(2) to enable regulations to be made for additional matters.

Clause 32 provides that the term of office of a member of the Council who is elected or appointed to take the place of a member who was appointed or elected before the date of commencement of the Bill and whose term has expired, will be a term determined by the Minister by order published in the *Gazette*. This is to enable the terms of office of members (which currently expire on different dates) to be streamlined.

Clause 33 is a transitional provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

---