

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of December 08, 2017

SUPPLEMENT

(Issued on 12.12.2017)



MEDICAL (AMENDMENT)

A

BILL

to amend the Medical Ordinance (Chapter 105)

*Ordered to be published by the Minister of Health, Nutrition and
Indigenous Medicine*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 12.00

Postage : Rs. 10.00

This Gazette Supplement can be downloaded from www.documents.gov.lk



STATEMENT OF LEGAL EFFECT

Clause 2 : This clause amends section 12 of the Medical Ordinance (Chapter 105) (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to increase the number of members of the Medical Council by including three medical specialists and one dental specialist into such Council.

Clause 3 : This clause amends section 20 of the principal enactment, and the legal effect of the section as amended is to make provisions enabling the registrar of the Medical Council to keep a register including the names of medical and dental specialists.

Clause 4 : This clause inserts new sections 39A, 39B and 39C in the principal enactment, and the legal effect of the amendment is to—

- (a) specify the qualifications required for a medical or dental specialist to be registered under the principal enactment;
- (b) provide for the Medical Council to register the medical and dental specialists with specified qualifications; and
- (c) provide for making the registration under the principal enactment to be compulsory for practicing as a medical or dental specialist.

Clause 5 : This clause amends section 74 of the principal enactment and the legal effect of the section as amended is to include the definitions of the expressions “eligibility criteria of the Post Graduate Institute of Medicine”, “Medical Service Minutes” and “Post Graduate Institute of Medicine”.

Clause 6 : This clause makes provisions to enable medical and dental specialists engaged in the practice of respective specialty immediately prior to the date of commencement of this Act, to register within a period of 12 months.

Medical (Amendment)

L.D.—O. 55/2015

AN ACT TO AMEND THE MEDICAL ORDINANCE (CHAPTER 105)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Medical (Amendment) Act, No of 2017. Short title.

5 2. Section 12 of the Medical Ordinance (Chapter 105) (hereinafter referred to as the “principal enactment”) is hereby amended in subsection (1), by the insertion immediately after paragraph (c) thereof of the following paragraphs:— Amendment of section 12 of Chapter 105.

10 “(cc) three members elected by the medical specialists referred to in subsections (1), (3) and (4) of section 39A;

(ccc) one member elected by the dental specialists referred to in subsection (2) of section 39A;”.

15 3. Section 20 of the principal enactment is hereby amended in subsection (1), by the insertion immediately after paragraph (a) thereof of the following paragraph:— Amendment of section 20 of the principal enactment.

20 “(aa) a register of medical and dental specialists which contains the names of every medical specialist and dental specialist who possesses a qualification referred to in section 39A and has obtained registration under section 39B;”.

4. The following new sections are hereby inserted immediately after section 39 of the principal enactment and shall have effect as sections 39A, 39B and 39C of that enactment:—

Insertion of new sections 39A, 39B and 39C in the principal enactment.

5 “Qualifications required for registration as a medical or dental specialist. 39A. (1) A medical practitioner registered under section 29, who possesses a qualification required for Specialist Medical Officer Grade, as specified in the Medical Service Minutes, shall be eligible to be registered as a medical specialist under section 39B.

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(2) A dentist registered under section 43, who possesses a qualification required for Specialist Medical Officer Grade, as specified in the Medical Service Minutes, shall be eligible to be registered as a dental specialist under section 39B.

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(3) A medical practitioner registered under section 29 or a dentist registered under section 43, who has successfully completed specialist training in a country other than Sri Lanka and obtained a specialist medical or dental qualification which satisfies the eligibility criteria of the Post Graduate Institute of Medicine to practice the respective specialty, shall be eligible to be registered as a medical or dental specialist, as the case may be, under section 39B.

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(4) Any person who has obtained a graduate and post graduate qualification in medicine or dentistry from any university or medical or dental school of any country other than Sri Lanka, recognized by the Medical Council and satisfies the eligibility criteria of the Post Graduate Institute of Medicine to practice the respective specialty shall be eligible to be registered as a medical or dental specialist, as the case may be, under section 39B.

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Registration
as a medical
or dental
specialist.

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39B. Any medical practitioner, dentist or a person who possesses any one of the specialist medical or dental qualifications referred to in section 39A shall, upon application made to the Medical Council in the prescribed form, along with the prescribed fee for registration, be registered as a medical or dental specialist in the respective field of medicine or dentistry, if-

(a) he is of good character; and

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(b) (i) he produces a certificate of registration under section 29 in the case of a medical practitioner who possesses a qualification referred to in subsection (1) of section 39A; or

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(ii) he produces a certificate of registration under section 43 in the case of a dentist who possesses a qualification referred to in subsection (2) of section 39A; or

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(iii) he produces a certificate of registration under section 29 or section 43 in the case of a medical practitioner or a dentist who possesses a qualification referred to in subsection (3) of section 39A; or

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(iv) he has obtained the provisional registration required for the Board certification, in the case of a person who possesses a qualification referred to in subsection (4) of section 39A; and

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(c) he produces a Board Certification or a Certificate of Accreditation in respect of Board Certification, as the case may

be, issued by the Post Graduate Institute of Medicine, upon satisfying the eligibility criteria of the Post Graduate Institute of Medicine.

5 No person to practice as a medical or dental specialist without registration. 39c. No person, not being a medical or dental specialist registered under section 39B, shall take or use any name, title or addition implying or tending to the belief that he is a medical or dental specialist who possesses a qualification referred to in section 39A or, by any act or omission intentionally cause or permit any person to believe that he is a medical or dental specialist registered under section 39B, and to act upon such belief.”.

15 5. Section 74 of the principal enactment is hereby amended— Amendment of section 74 of the principal enactment.

(1) by the insertion immediately after the definition of the expression “estate apothecary” of the following definition:—

20 ““eligibility criteria of the Post Graduate Institute of Medicine” means the eligibility criteria for Board Certification or Certificate of Accreditation in respect of Board Certification in the respective specialty, recommended by the respective Board of Study of the Post Graduate Institute of Medicine, prescribed by regulations under the Post Graduate Institute of Medicine Ordinance No. 1 of 30 1980;”;

(2) by the insertion immediately after the definition of the expression “medical practitioner” of the following definition:—

35 ““Medical Service Minutes” means the Medical Service Minutes published in

Gazette No. 1883/17, dated October 11, 2014, as may be amended from time to time;”;

- 5 (3) by the insertion immediately after the definition of the expression “pharmacist” of the following definition:-

10 “ “Post Graduate Institute of Medicine” means the Post Graduate Institute of Medicine established by the Post Graduate Institute of Medicine Ordinance No. 1 of 1980, made under section 18 of the Universities Act, No. 16 of 1978 and published in *Gazette* Extraordinary No. 83/7 of April 10, 1980, as amended from time to time;”.

- 15 6. Every medical practitioner or dentist who possesses any qualification eligible to be registered as a medical or dental specialist under section 39B, on the date of commencement of this Act and has been engaged in the practice of respective specialty, prior to that date, shall be
20 required to obtain registration under section 39B, within a period of twelve months from the date of commencement of this Act.

Transitional provision applicable to medical and dental specialists engaged in the practice.

7. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

