

LAWS OF BRUNEI

CHAPTER 112

**MEDICAL PRACTITIONERS AND DENTISTS
ACT**

15 of 1956

20 of 1957

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Amended by

S 94/56

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CHAPTER 112

MEDICAL PRACTITIONERS AND DENTISTS

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SCHEDULE — Register.

**MEDICAL PRACTITIONERS AND DENTISTS
ACT****An Act to provide for the registration of medical
practitioners and dentists**

Commencement: 1st January 1957 [S 94/56]

1. This Act may be cited as the Medical Practitioners and Dentists Act. Short title.

2. In this Act — Interpretation.

“Board” means the Medical Board appointed under section 9;

“dentist” means any person professing to practise dentistry or holding himself out as ready and willing to treat patients for gain;

“medical practitioner” means any person professing to practise medicine or surgery, or holding himself out as ready and willing to treat patients for gain;

“practise dentistry” means to perform any such operation, to give any such treatment, advice, or attendance as is usually performed or given by dentists, and any person who performs any operation or gives any treatment, advice, or attendance, on or to any person as preparatory to, or for the purpose of, or in connection with the fitting, insertion, or fixing of artificial teeth, shall be deemed to practise dentistry;

“practise medicine or surgery” means to give medical or surgical treatment or advice on one or more occasions for gain;

“Registrar” means the Registrar of Medical Practitioners and Dentists appointed under section 4;

“the service” means the Government Medical Service.

Register to be kept.

3. (1) For the purposes of this Act a register of medical practitioners and dentists shall be kept in the form given in the Schedule, and a fee prescribed by the Board shall be charged for each registration.

(2) This section shall not apply to a Government Medical Officer, Government Medical Practitioner or a Government Dentist.

Director of Medical Services to be Registrar.

4. (1) The Director of Medical Services shall be the Registrar of Medical Practitioners and Dentists, and shall cause to be published —

(a) in the *Gazette* next following the date of registration, the name, address and qualifications of each medical practitioner or dentist duly registered;

(b) in the January *Gazette* in each year a list containing the names of all medical practitioners and dentists remaining on the register at the close of the previous year together with their addresses and qualifications.

(2) The Registrar shall —

(a) keep the register correctly in accordance with the provisions of this Act;

(b) erase the names of all registered persons who have died or left Brunei Darussalam with no intention of returning to practise therein;

(c) make, from time to time, necessary alterations in the names, addresses or qualifications of registered persons.

For such purposes the Registrar or a member of the Board acting under his instructions may, by letter addressed to any registered person at the address recorded in the register, inquire

whether such person has ceased to practise or changed his residence or has left Brunei Darussalam and has no intention of returning to practise therein:

Provided that the Board may, if it thinks fit, direct the restoration of any name so removed without payment of any fee.

(3) The deputy registrar of deaths of every district, or the public officer performing the duties of such deputy Registrar, as the case may be, on receiving notice of the death of any registered or licensed medical practitioner or dentist shall forthwith transmit to the Registrar a certificate under his own hand of such death, with the particulars of time and place of death and on the receipt of such certificate the Registrar shall erase the name of such deceased medical practitioner or dentist from the register.

5. (1) The publication of the list under section 4 shall until the contrary is proved be evidence that the persons named therein are registered under the Act, and the absence of the name of any person from such list shall be until the contrary is proved evidence that such person is not so registered.

Publication
prima facie
evidence of
registration.

(2) The register and all copies thereof or extracts therefrom certified under the hand of the Registrar shall be receivable in evidence in all courts of Brunei Darussalam.

6. The holder of any degree, diploma or licence which is recognised as entitling him to registration by the General Council of Medical Education and Registration in the United Kingdom, and the holder of any such other qualification in medicine or surgery as the Board may declare, by notification in the Government *Gazette*, to be approved qualification for the purpose of this section, shall be entitled to registration under this Act as a medical practitioner.

Persons
entitled to be
registered as
medical
practitioners.

7. The following persons shall be entitled to registration under this Act as dentists —

Persons
entitled to be
registered as
dentists.

(a) any person who possesses a licence or degree in dental surgery or dentistry of any of the bodies and Universities who elect members of the General Council

of Medical Education and Registration in the United Kingdom, and any person who possesses any such qualification in dental surgery or dentistry as the Board may declare, by notification in the *Government Gazette*, to be an approved qualification for the purposes of this paragraph;

(b) any person who can satisfy the Registrar that he is entitled to be registered in the United Kingdom as a Foreign or Colonial dentist,

satisfies the Board that he is a fit and proper person to practise dentistry and be registered as a dentist.

Application
for
registration.

8. (1) Any person entitled to be registered under this Act may apply to the Registrar for registration.

(2) Application for registration shall be made in such manner or form and shall be accompanied by such documents, photographs and particulars as may be prescribed. Proof of identity satisfactory to the Registrar shall be furnished.

(3) Where a person has complied with the provisions of subsection (2) of this section and has paid the prescribed fee, he shall, subject to the provisions of this Act, be registered by the Board in the register.

(4) If any person applying for registration has been convicted of any heinous offence or, after due enquiry by the Board, is deemed by the Board to have been guilty of infamous or disgraceful conduct in any professional respect, the Board may refuse to admit such person to the register. Upon such inquiry the person against whom such offence or conduct is alleged shall be entitled to appear before the Board and be heard.

Certificate of
registration.

9. Where a person has been registered in the register, the Board shall issue to him a certificate of registration, and the Board may require that there shall be affixed to such certificate a photograph of that person or such other evidence of identity as the Board may direct. Such certificate shall, for the year in which it is issued, be deemed to be the annual practising certificate issued under section 11, and the provisions of this Act

relating to annual practising certificates shall apply to the certificate of registration.

10. The registration of every person registered as a medical practitioner or a dentist shall remain in force until the thirty-first day of December next after the date of his registration and any person so registered desiring his name to be retained on the register shall make application in the manner provided by section 11.

Validity of registration.

11. (1) Every medical practitioner or dentist registered under this Act who desires his name to be retained on the register after the thirty-first day of December of any year shall, not later than the first day of December of that year make an application in the prescribed form and shall pay the prescribed fee, for retention of his name on the register during the ensuing year.

Annual practising certificate.

(2) Upon such application and payment, the Board, if satisfied that the premises at and the conditions under which the applicant practises medicine, surgery or dentistry are suitable for such practice, shall cause the Registrar to issue a certificate (to be styled "annual practising certificate") authorising the applicant to practise medicine, surgery or dentistry during the year in respect of which it is issued.

(3) The annual practising certificate shall be in force unless previously cancelled in the manner hereinafter prescribed in this Act until the thirty-first day of December of the year in respect of which it is issued.

(4) The name of any registered medical practitioner or dentist who fails to obtain an annual practising certificate prior to the commencement of any year shall be removed from the register.

(5) Any registered medical practitioner or dentist who has failed to apply in the manner and within the period laid down in subsection (1) of this section for retention of his name on the register may, on making an application and on payment of such additional fee as may be prescribed, be granted an annual practising certificate for the ensuing year if the

application is made during the month of December of any year, or for the remainder of the year, if the application is made on or after the first day of January and before the month of December of any year and in both cases his name may be re-entered in the register.

(6) Whenever it appears to the satisfaction of the Board that a registered medical practitioner or dentist is practising medicine, surgery or dentistry in such premises or under such conditions as are deemed by the Board to be unsuitable for such practice, the Board may direct that the name of such person shall be removed from the register and that the annual practising certificate shall be cancelled.

(7) If any person whose annual practising certificate has been cancelled under subsection (6) of this section makes application in such manner and pays such fee as may be prescribed, the Board may, after due consideration of the circumstances of the case, direct that the name of such person shall be re-entered in the register and that an annual practising certificate be issued.

(8) Any person who practises medicine, surgery or dentistry in Brunei Darussalam (other than a person exempted from registration under section 14) who has not having an annual practising certificate in force shall be guilty of an offence: Penalty, imprisonment for 5 years or a fine of \$20,000 or both.

(9) Any person who practises dentistry in Brunei Darussalam who —

(a) is in partnership with a person (other than a person exempted from registration under section 14) not having an annual practising certificate in force;

(b) has in his employ any registered medical practitioner or dentist not having such a certificate,

shall be guilty of an offence: Penalty, imprisonment for 5 years or a fine of \$20,000 or both.

11A. The provisions of Section 9, 10 and 11 relating to annual practising certificate shall not apply to a Government Medical Officer, Government Medical Practitioner or a Government Dentist.

Application section 9, 10 and 11.

12. Every person registered under this Act, who may have obtained any higher degree or additional qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or addition to the qualification previously registered, without payment of any further fee.

Persons registered may have additional qualifications inserted in register.

13. (1) For the purposes of this Act there shall be established a Board, to be known as the Medical Board, which shall consist of the Director of Medical Services as Chairman and such other members being duly qualified medical practitioners and dentists as His Majesty the Sultan and Yang Di Pertuan may from time to time appoint.

Appointment of Board for the purpose of the Act.

(2) In the absence of the Director of Medical Services or for any other necessary or reasonable cause then the senior Government medical officer present shall act as Chairman at any meeting of the Board.

(3) The Chairman together with two other members shall form a quorum but subject thereto the Board may act notwithstanding any vacancy in their number and may regulate their own procedure.

(4) All appointments to the Board shall be notified in the *Gazette*.

14. Every medical practitioner registered under this Act or exempted from such registration under section 14 shall be entitled to practise medicine, surgery, and midwifery, and every dentist registered under this Act or exempted from such registration under section 18 shall be entitled to practise dentistry, and to demand, sue for, and recover in any court, with full cost of suit, reasonable charges for professional aid, advice, and visits, and the value of any medicine or any medical or surgical appliance rendered or supplied by him to his patients.

Persons registered entitled to practise and sue for fees.

No fees recoverable unless person registered.

15. No person shall be entitled to recover any charge in any court for any medical or surgical advice or attendance or for the performance of any operation as a medical practitioner or dentist, or for any medicine which he shall have prescribed and supplied within Brunei Darussalam as such medical practitioner or dentist after the commencement of this Act, unless he was at the time registered under this Act or exempted from such registration under section 18, but all registration effected within 2 months after the commencement of this Act shall be deemed to relate back to the time of such commencement.

Certificate cannot be signed unless person signing is registered.

16. No certificate, or other document required by law to be signed by a duly qualified medical practitioner, given after the commencement of this Act shall be valid unless signed by a person registered as a medical practitioner under this Act.

Construction of terms.

17. From and after the commencement of this Act the words “legally qualified medical practitioner” or “duly qualified medical practitioner” or any words importing a person recognised by law as a medical practitioner or member of the medical profession, when used in any Act, or other law with reference to such person, shall be construed to mean a person registered as a medical practitioner under this Act.

Exemptions from registration.

18. The following persons shall be exempt from registration under this Act but shall be entitled to the rights and privileges of persons so registered —

(a) Medical Officers of the Royal Brunei Darussalam Armed Forces;

(b) ships’ surgeons while in the discharge of their duties as such;

(c) any person entitled to registration under this Act, or the holder of such other degree or licence in medicine, surgery or dentistry as the Director of Medical Services may in any special circumstances consider to be sufficient notwithstanding that it does not entitle such person to registration under this Act, who is authorised in writing under the hand of the Director of Medical Services to practise medicine, surgery for a specified

period or dentistry in connection with any particular case or class of cases specified in such writing.

Provided that the Director of Medical Services shall as soon as possible report to the Board the name of any person so authorised and the Board may thereafter by notice in writing direct the Director of Medical Services —

(a) to withdraw the authority from the person so authorised with effect from the date of service on such person of notice of such withdrawal;

(b) not to issue to such person any further authorisation to the person under this paragraph,

and the Director of Medical Services shall in either case comply with such directions.

19. (1) Any person who shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be guilty of an offence: Penalty, imprisonment for one year and a fine of \$20,000.

Penalties for person procuring registration by false certificates.

(2) If the person convicted of an offence under this section is registered under this Act the Registrar shall forthwith remove the name of such person from the register or cancel his licence as the case may be.

20. (1) If any medical practitioner or dentist registered under this Act shall be convicted of a criminal offence for which he could have been imprisoned without the option of a fine or shall, after due inquiry by the Board, be deemed by it to have been guilty of infamous conduct in any professional respect, the Registrar may on the recommendation of the Board strike out the name of such person from the register. Upon any such inquiry the person against whom such offence or misconduct is alleged shall be entitled to appear and be heard.

Consequences of a conviction.

(2) The inquiry referred to in subsection (1) shall be conducted as far as possible in accordance with the provisions of Part II of the Medical Disciplinary Committee (Procedure) Rules, 1951, of the United Kingdom, a copy of which Rules shall be available for inspection in the office of the Registrar.

Schedule to
S 1 1951
No. 665

Removal of
name of
person who
has been
disqualified.

21. The Board shall cause to be erased from the Register the name of any person whose name may have been struck off the roll or register of the hospital, university, college or other body granting the diploma or diplomas by virtue of which such person was registered.

Correction of
dentists
register.

22. The Board may remove from the register the name of any person who —

(a) is deceased;

(b) has no address in Brunei Darussalam at which he can be found;

(c) is no longer practising dentistry in Brunei Darussalam.

Appeal to His
Majesty in
Council.

23. (1) Any person, whose name has been either —

(a) in accordance with section 20, struck out from the register;

(b) in accordance with subsection (6) of section 11 removed from the register,

may within 14 days appeal to His Majesty in Council against the striking out or removal, as the case may be.

(2) His Majesty in Council may, in its discretion, allow the appeal and direct that the name be re-registered.

(3) Any decision of His Majesty in Council on appeal shall be final and shall not be questioned in any court.

Exemptions
from the Act.

24. Nothing in this Act contained shall be deemed to prohibit or prevent —

(a) the practice of dentistry by a medical practitioner registered or licensed under the provisions of this Act;

(b) the extraction of teeth by a pharmacist registered under any written law when —

- (i) the case is urgent;
- (ii) no registered or licensed medical practitioner or registered or licensed dentist is available;
- (iii) provided that no anaesthetic is used or administered,

(c) the extraction of teeth by any person when —

- (i) the case is urgent;
- (ii) no registered or licensed medical practitioner, registered or licensed dentist or registered pharmacist is available within 5 miles;
- (iii) no anaesthetic is used or administered;
- (iv) no fee is charged or received,

(d) any person in the service from rendering medical or dental assistance in the course of his duties in such service;

(e) any medical orderly duly approved by a Government medical officer employed at a dispensary other than a Government dispensary from rendering such medical or dental assistance in the course of his duties as could be afforded with such drugs and medical equipment as may be specified in writing by the Director of Medical Services:

Provided that he holds a valid permit in writing from the Director of Medical Services in that behalf, which permit the Director of Medical Services is hereby empowered to grant, subject to such conditions as he may deem fit to impose, or refuse in his discretion, save that no refusal of a permit by the Director of Medical Services as aforesaid shall be effective unless it is confirmed by the Board. No such permit shall authorise the person to whom it is granted to practise medicine for gain or elsewhere than at the place or places named therein but a reasonable charge to cover the cost of any medicine or poisons supplied in treatment may be recovered from the person treated.

Penalty.

25. (1) Any person who wilfully and falsely takes or uses any name, title or addition, implying a qualification to practise medicine, surgery, or dentistry, or, not being registered, or not being exempted from being so registered under the provisions of this Act, practises, professes to practise, or publishes his name as practising medicine, surgery, or dentistry, or, not being a registered dentist under the provisions of this Act, hires or employs a person to assist him to practise dentistry, shall be guilty of an offence: Penalty, imprisonment for 5 years and a fine.

(2) When a person is convicted of an offence under this section, the court may order any drugs, poisons, medicines, needles, syringes, or surgical, medical, dental or diagnostic instruments or appliances, used by, belonging to, or found in possession of, the person convicted, to be forfeited, or to be destroyed, or otherwise disposed of.

Malay and other Asian systems allowed.

26. Nothing in this Act shall be construed so as to prohibit or prevent the practice of systems of therapeutics according to Malay, Indian, Chinese or other Asian methods by persons recognised by the community to which they belong to be duly trained in such practice:

Provided that nothing in this section shall be construed to authorise any person to practice any Malay, Indian, Chinese or other Asian system of therapeutics except among the community to which he belongs, or the performance of an act on the part of

any persons practising any such system which is dangerous to life.

27. The Board may make rules to carry this Act into effect and without prejudice to the generality of the foregoing power such rules may provide for anything which requires to be prescribed under this Act.

Powers to make rules.

SCHEDULE

(Section 3)

REGISTER OF MEDICAL PRACTITIONERS AND DENTIST

Whether medical practitioner or dentist	Name in full	Address	Date and place of original registration	Date of registration in Brunei Darussalam	Qualification with date

SUBSIDIARY LEGISLATION

NOTE. There is no subsidiary legislation.