

**A BILL**  
Entitled

An Act to provide for registration and licensing of the [.....] profession; to establish a Professional Council to undertake such registration and licensing; to harmonize the requisite qualifications for registration and licensing of professionals with a view to facilitating the free movement of professionals in the Caribbean Community; and for matters connected thereto.

ENACTED by the Parliament of [ ] as follows:

**PART I**  
**PRELIMINARY**

**1. Short title.**

This Act may be cited as the Registration and Licensing of the [.....] Profession Act 2011.

**2. Interpretation.**

In this Act –

“CARICOM national” means a person who:

- (a) is a citizen of a Member State; or
- (b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration;

“Council” means the Professional Council established under Part II of this Act;

“licence” means a licence to practise [profession] granted under section 33;

“member” means a person appointed under this Act to hold office in Council;

“Member State” means a Member State of the Caribbean Community including the CARICOM Single Market and Economy (CSME) established by the Revised Treaty of Chaguaramas signed in Nassau, Bahamas on the 5<sup>th</sup> July, 2001.

“ Minister” means the Minister for the time being charged with the responsibility for the profession to which this Act applies;

“professional” means a skilled person who possesses the expertise in a field with requisite qualifications, training and experience and so recognized in accordance with the established legal procedures.

“[Profession] Association” means an incorporated or unincorporated body, membership of which is voluntary, composed of administered by members of the [name of] profession and organized to see to the overall welfare of members of the [name of] profession;

## **PART II**

### **[PROFESSION] COUNCIL**

#### **3. Establishment of a Professional Council for [        ].**

It is hereby established a body corporate with perpetual succession to be known as the Professional Council (hereinafter referred to as “the Council”) to register, license and regulate the profession of [...] for purposes of this Act.

#### **4. Composition and membership of the Professional Council.**

(1) The Council shall consist of members appointed by the [Minister][President on the recommendation of the Minister] as follows –

- (a) [x] members [nominated][elected] by the [Profession] Association;
- (b) [x] members who are not of the profession;
- (c) at least one member of the legal profession; and
- (d) one representative of the consumer sector.

(2) The Council shall elect from amongst its members –

- (a) a Chairman;
- (b) a Vice Chairman;
- (c) a Treasurer;
- (d) a Registrar-Secretary; and

(e) such other officers as it thinks fit.

(3) There shall be a Disciplinary Committee of the Council appointed in the manner set out in section 41 of this Act.

(4) The Council may appoint such other committees as it thinks fit for carrying out its functions and may delegate any of its functions to any committee.

## **5. Functions of the Council.**

(1) The functions of the Council are to -

- (a) register and license persons who are fit and proper persons and possess the prescribed qualifications and experience, thereby authorizing them to practise [profession];
- (b) prescribe the qualifications necessary for registration and licensing to practise [profession];
- (c) assess the suitability of the credentials of persons authorised to practise [name of] profession in another jurisdiction who wish to practise [profession] in [country];
- (d) prescribe a Code of Ethics for the [name of] profession , monitor adherence thereto and investigate breaches thereof;
- (e) cause disciplinary proceedings to be taken in accordance with the provisions of this Act;
- (f) advise the Minister with respect to amendments to the law relating to the [name of] profession as it considers necessary;
- (g) from time to time prescribe requirements for the continuing professional development of persons registered and licensed to practise [profession];
- (h) to generally regulate the [name of] profession; and
- (i) perform such other functions as may be conferred on it by this Act or any other law.

(2) Notwithstanding subsection (1), the Minister may make recommendations in exceptional circumstances to the Council with respect to any of its functions if the Minister is satisfied that it is necessary to do so in the public interest.

## **6. Powers of the Council.**

The Council shall have the power to –

- (a) register holders of required qualifications;
- (b) issue licences to registered persons;
- (c) cancel the registration of any person registered under this Act;
- (d) suspend or revoke a licence;
- (e) collect monies as payment for fees required to be paid under this Act;
- (f) require applicants for initial registration to sit and pass examinations as a prerequisite for such initial registration;
- (g) set and conduct, or cause to be set and conducted by such institution as it may consider appropriate, examinations for initial registration;
- (h) summon witnesses; and
- (i) make, with the approval of the Minister, rules or regulations as it deems necessary for carrying out the purposes of this Act.

## **7. Seal of the Council.**

(1) The Council shall have a seal that shall be affixed to all documents emanating from the Council.

(2) The seal of the Council shall be kept in the custody of the Chairman and shall be authenticated by the Chairman and one other member of the Council authorized by the Council to act in that behalf.

(3) All documents, other than those required by law to be under seal, made by and under a decision of the Council [shall] be signified under the hand of the Chairman.

## **8. Tenure of office.**

(1) A member of the Council shall hold office for a term of three years and shall be eligible for re-appointment.

(2) No person shall hold the same office for more than two consecutive terms.

(3) Where the term of office of a member of the Council expires a new office holder shall be appointed within three weeks of such expiration.

## **9. Removal from office.**

(1) The office of a member shall become vacant where –

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice to the [Minister][President];
- (d) he is removed by the [Minister][President] where he –
  - (i) is unable to function because of physical or mental illness;
  - (ii) is absent from three consecutive meetings of the Council without the permission of the Chairman;
  - (iii) upon conviction of any criminal offence, is sentenced to imprisonment without the option of a fine;
  - (iv) is convicted of an offence involving dishonesty;
  - (v) is declared bankrupt in accordance with the laws of [country];
  - (vi) is disqualified or suspended, otherwise than at his own request, from practising [profession] in [country] or any other country by an order of any competent authority; or
  - (vii) contravenes this Act.

(2) Where a member is, by reason of illness or otherwise, unable to perform his functions or unable to attend meetings of the Council, the Minister shall on the recommendation of the Council appoint another suitably qualified person to act as an alternate member for the remainder of the term of the predecessor.

(3) Upon the request of the Council, the Minister may appoint an appropriate person to be an alternate of any nominated member and that person, while acting in the absence of the member, shall be deemed to be a member of the Council and shall enjoy all the powers, rights and privileges of that member.

(4) The appointment or termination of membership of the Council, whether by death, resignation, revocation or otherwise, shall be published in the *Gazette*.

(5) Notwithstanding any defect in the appointment of any of its members, the Council shall be deemed to be properly constituted.

(6) Notwithstanding that the term of office of an appointed member may have expired, he shall, unless he sooner vacates his office, continue in office until his successor is appointed.

#### **10. Meetings of the Council.**

(1) The Council shall meet at least once every three months at a time and place to be fixed by the Council and not less than seven days notice of any meeting together with an agenda shall be given to members of the Council.

(2) The Chairman may at any time convene an emergency meeting whenever he thinks it necessary to do so.

#### **11. Quorum.**

At any meeting of the Council, a quorum is constituted where at least [x] members are present and the decisions of the Council shall be by a majority of the votes of the members present and voting.

#### **12. Monies of the Council.**

(1) The funds and resources of the Council shall consist of –

- (a) monies appropriated by Parliament for the purpose of the Council;
- (b) monies paid to the Council in respect of fees due under this Act; and
- (c) loans and grants.

(2) Any expenses incurred by the Council in giving effect to this Act including expenses in connection with examinations and the traveling expenses of and sums paid as subsistence allowance to members of the Council, shall be defrayed out of the sums received by the Council under this Act.

### **13. Financial year of the Council.**

The financial year of the Council shall commence on the [ ] day of [ ] in each calendar year and end on the [ ] day of [ ] in the next ensuing calendar year.

### **14. Audit of accounts of the Council.**

The accounts of the Council shall be audited yearly by an independent auditor appointed by the Minister.

### **15. Council's duty to report.**

The Council shall make a report to the Minister each year with respect to the administration of the Act for the preceding year, together with an audited statement of its accounts and shall furnish him with such information as he may require from time to time in respect of the conduct of its affairs and any other matter arising out of the administration of this Act.

### **16. Liability of the Council.**

No member of the Council shall be personally liable in any action or proceeding for or in respect of any act or matter which, in good faith, was done or omitted to be done in the exercise or discharge of any duty or function under this Act.

### **17. Remuneration of the Council.**

The Council shall pay its members such remuneration as the Minister approves.

### **18. Staff of the Council.**

(1) The Council shall, with the approval of the Minister given with the consent of the Minister responsible for finance, appoint such and so many persons to be the staff of the Council as the Council from time to time thinks proper.

(2) A member of staff of the Council shall hold office or employment on the conditions (including those relating to remuneration, allowances and superannuation) that are determined by the Council with the prior approval of the Minister given with the consent of the Minister responsible for finance.

(3) The staff of the Council shall be paid by the Council out of the funds of the Council.

**PART III**  
**REGISTRATION**

**19. [Profession] Registers.**

(1) The Council shall keep four Registers for the [name of] profession as follows –

- (a) Full Register;
- (b) Temporary Register;
- (c) Specialist Register; and
- [(d) Provisional Register.]

(2) The Council shall ensure that every entry made on each of the Registers listed in subsection (1) contains the following particulars in respect of each person being registered –

- (a) his full name and address;
- (b) the date of his registration;
- (c) a description and date of award of the qualification in respect of which he is registered and such other degrees and certificates to which he is entitled.

(3) In addition to the information required to be entered on each Register under subsection (2), the Council shall cause to be entered in respect of the Temporary Register the period of such registration and, where applicable, the area of specialty.

(4) The Council shall ensure that no name that appears on the Temporary Register simultaneously appears on any other Register listed in subsection (1).

(5) In addition to the information required to be entered for each Register under subsection (2), the Council shall cause to be entered in respect of the Specialist Register the area of specialty in which each registered person is authorized to practise.

[(6) Registration on the Provisional Register shall be limited to persons who, having acquired the requisite qualifications, are eligible to be employed as interns and who have satisfied the Council that they have been offered employment as such in a [service setting] that has been inspected and approved by the Council for acceptable intern training standards.]

(7) All Registers listed in subsection (1) shall at all reasonable times be open to inspection by members of the public at the office of the Council.

## **20. Requirement to be registered and licensed.**

No person shall practise [profession] in [country] unless, in accordance with this Act, he is registered and holds a valid licence.

## **21. Types of registration.**

(1) Registration may be –

- (a) full, which shall entitle the person registered to apply for a licence to practise only general [profession];
- (b) temporary, which shall entitle the person registered to apply for a licence to practise [profession] for a period not exceeding six months, whether generally or in a specialty therein named;
- (c) specialist, which shall entitle the person registered to apply for a licence to practise, in addition to general [profession], the specialized field of [profession] specified in the Register; or
- (d) [provisional, which shall entitle the person so registered to apply for a licence to work in the field of [profession] in the capacity of an intern and under the supervision of at least one person whose name appears on any of the registers listed in paragraphs (a) to (c) of section 19(1).]

(2) A person who, having been registered, practises [profession] without having obtained a licence commits an offence and upon conviction thereof in a Resident Magistrate's Court shall be liable to a fine not exceeding [                      ].

(3) A person who practises a specialized field of [profession] in relation to which his name does not appear on the Specialist Register or the Temporary Register commits an offence and upon conviction thereof in a [Resident Magistrate's Court][Circuit Court] shall be liable to a fine not exceeding [                      ] or to imprisonment for a term not exceeding [     ] or to both such fine and imprisonment.

## **22. Qualification requirements for registration.**

(1) An applicant under section 23 shall -

- (a) hold a [degree] [certificate] [diploma] granted by a University or School of [profession] that in the opinion of the Council, is evidence of satisfactory training in [profession];

- (b) have not less than [ ] years working experience in profession; and
- (c) be able to read, write, speak and understand the English language.

### **23. Application for registration.**

(1) Where a person wishes to be registered to practise [profession] in [country] he shall –

- (a) apply to the Council in the prescribed form;
- (b) pay the prescribed fee; and
- (c) meet the requirements of this Act.

(2) An application under subsection (1) shall be accompanied by –

- (a) evidence of the qualifications of the applicant for the type of registration being applied for;
- (b) proof of identity of the applicant;
- (c) proof that the applicant is a fit and proper person to practise [profession] in [country];
- (d) a certificate of good standing from the applicant's previous registering body, where applicable; and
- (e) such other information as the Council may require.

(3) A certificate of good standing under subsection (2)(d) shall include information as to –

- (a) the professional conduct of the applicant;
- (b) any complaints made by members of the public against the applicant and lodged with the previous registering body.

(4) An applicant under subsection (1) who is seeking temporary registration shall, in addition to meeting the requirements for application under subsections (1) and (2), satisfy the Council that he is temporarily in [country] and would otherwise qualify for registration under this section by virtue of his qualification to practise [profession] in his own country or place.

## **24. Issue of registration.**

(1) An applicant who meets the requirements of section 22 and satisfies the Council that he is a fit and proper person to practise [profession] in [country] shall be entitled to be granted the type of registration for which he has applied within 30 days of receipt of the application by the Council.

(2) Where a Council issues temporary registration to an applicant such registration –

- (a) shall specify the time during which the temporary registration remains in force;
- (b) may specify the area to which it extends;
- (c) shall specify the nature and character of the work which may be performed;
- (d) may specify such other terms and conditions as the Council may deem it expedient to impose.

## **25. Additional qualifications.**

A professional who is registered under this Act and who has obtained a higher degree or qualification other than the qualification in respect of which he has been registered is entitled to have that additional qualification inserted in the register in substitution for or in addition to the qualifications previously registered.

## **26. Registration before coming into force of this Act.**

A person who was registered to practise [prfoession] immediately prior to the commencement of this Act shall be entitled to be registered under this Act without application on the part of such person and, pending application for registration and entry of his name on the appropriate Register, shall be deemed to be duly registered.

## **27. National treatment for CARICOM nationals.**

Where an applicant is a CARICOM national, the Council shall not refuse to register the applicant on the basis that he is not a national of [country].

## **28. Limitation on registration of non-CARICOM nationals.**

(1) Where an applicant is not a CARICOM national, registration and a licence to practise granted shall be subject to such restrictions as the Council may impose.

(2) Notwithstanding the generality of subsection (1), the Council may limit practice of a non-CARICOM national to a particular geographical area in [country].

**29. Erasure of incorrect or fraudulent entry.**

The Council shall cause to be erased from any Register listed in section 19(1) any entry which has been incorrectly or fraudulently made.

**30. Cancellation of registration.**

(1) The Council may cancel the registration of any person where such person has been convicted of a felony or where he is adjudged by the Disciplinary Committee, after having been given a fair hearing, to have contravened a provision of this Act.

(2) Upon the cancellation of the registration of a professional his name shall be removed from the Register.

**PART IV  
LICENSING**

**31. Qualification requirements for initial grant of licence.**

An applicant for the initial grant of a licence under section 32 shall not be eligible for the grant of such licence unless he is registered on any of the Registers listed in section 19(1).

**32. Application for initial grant of licence.**

A person whose name appears on any Register listed in section 19(1) and wishes to be issued with a licence shall –

- (a) apply to the Council in the form and manner prescribed;
- (b) pay such licence fee as may be prescribed; and
- (c) meet the licensing requirements of this Act or regulations made thereunder.

**33. Issue of licence**

(1) Where the Council is satisfied that an applicant has met the requirements under this Act or regulations made thereunder for the issue of a licence, it shall within 30 days of the date of receipt of the application issue to the applicant such licence in the form prescribed by Regulations.

(2) A licence issued under subsection (1) may contain such terms and conditions as the Council may impose.

(3) Where the Council is not satisfied that an applicant under section 32 has met the requirements under this Act or regulations made thereunder for the issue of a licence, it shall within 30 days communicate its decision to the applicant.

#### **34. Display of licence.**

The holder of a licence shall display such licence in a place in the facility where he operates that is normally accessible to the public and that is not obscured.

#### **35. Refusal to issue licence.**

The Council shall not refuse to issue a licence except on one or more of the following grounds –

- (a) that the applicant has failed to produce satisfactory evidence of continuing professional development as may be required by this Act or regulations made hereunder; or
- (b) that the applicant has not complied with the provisions of any regulations made under this Act with respect to applications for licences.

#### **36. Validity and revocation of licences.**

(1) A licence issued under this Part shall remain valid for two years unless revoked or suspended.

(2) The Council may revoke a licence granted under this Act where the holder has –

- (a) been convicted of an offence under this Act;
- (b) refused to comply with the provisions of any regulations made under this Act in respect of the use of his licence; or
- (c) been the subject of an adverse finding in a hearing before the Disciplinary Committee, which has recommended to the Council that his licence be revoked.

(3) The Council may direct that a person whose licence has been revoked under this section may not re-apply for a licence for a period not exceeding [five] years from the date on which revocation takes effect.

#### **37. Revoked or suspended licence to be surrendered.**

(1) Where the Council revokes or suspends a licence, the revocation or suspension shall take effect from such date as the Council may direct.

(2) The licensee shall return the licence to the Council on or before the date on which revocation or suspension takes effect.

(3) A licensee who fails to comply with subsection (2) commits an offence and [summary conviction thereof before a Resident Magistrate] shall be liable to a fine not exceeding [                    ].

### **38. Qualification requirements for renewal of licence.**

(1) An applicant for renewal of licence following expiry shall -

- (a) be registered on any of the Registers listed in section 19(1);
- (b) have satisfied any requirement for continuing professional development as may from time to time be imposed by the Council in regulations hereunder.

(2) Subject to section 36(3), an applicant for renewal of licence following revocation shall –

- (a) be registered on any of the Registers listed in section 19(1);
- (b) have served the period of ineligibility for relicensing set by the Council at the time of revocation;
- (c) have complied with such other requirements as the Council may set in accordance with any regulations made hereunder.

### **39. Application for renewal of licence.**

(1) A person whose licence has been revoked or has expired may apply to the Council for renewal of his licence in such manner and form as may be prescribed.

(2) An application under subsection (1) shall be accompanied by –

- (a) the prescribed fee;
- (b) where applicable, evidence of satisfactory completion of continuing professional development; and
- (c) such other evidence of compliance with the requirements for renewal as prescribed by this Act.

(3) Where the Council is satisfied that an applicant under subsection (1) has met the requirements for the renewal of his licence, it shall renew the licence.

#### **40. Refusal to renew licence of non-CARICOM national.**

The Council may, upon giving no less than 12 months prior notice to the party to be affected, refuse to renew the licence of a non-CARICOM national where it believes that a situation exists within the [name of] profession that reduces the consumer base for CARICOM nationals registered to practise [profession] in [country].

### **PART V DISCIPLINE**

#### **41. Disciplinary Committee.**

(1) The Disciplinary Committee shall comprise [x] [professionals] nominated by the [professional] Association and of whom at least [#] of persons shall be registered professionals for at least [x] years in [country] and [x] lay person(s) appointed by the Minister.

(2) There shall be a Chairman and a Deputy Chariman of the Disciplinary Committee who shall be elected by the Committee from among the members who have been registered to so practise for at least [x] years prior; so and no member of the Council shall be appointed to the Disciplinary Committee.

(3) A member may at any time resign his office by letter addressed to the Chairman of the Disciplinary Committee.

(4) The [Professional] Association may by instrument in writing addressed to the Chairman revoke the appointment of a member of the Disciplinary Committee who was nominated by the [Professional] Association.

(5) The Minister may by instrument in writing addressed to the Chairman revoke the appointment of a lay member of the Disciplinary Committee.

(6) Where a vacancy occurs in the membership of the Disciplinary Committee such vacancy shall be filled by the nomination of another member who shall hold office for the remainder of the period for which the previous member was nominated, and the nomination shall be made in the same manner and from the same category of persons as the nomination of the previous member.

(7) The Council shall cause the names of all the members of the Disciplinary Committee as first constituted and every change in the membership thereof to be published in the *Gazette*.

(8) Each member of the Disciplinary Committee shall upon assumption of office take an oath of secrecy before a Judge in Chambers.

#### **42. Proceedings of the Disciplinary Committee.**

(1) The Disciplinary Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as it thinks fit.

(2) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Disciplinary Committee.

(3) Where at any meeting of the Disciplinary Committee the Chairman and Deputy Chairman are absent, the members present may elect one of their members who has been registered to practise for at least [x] years to act as Chairman at that meeting.

(4) The quorum of the Disciplinary Committee shall be [x] members, at least [x] of whom shall have been registered to practise for at least [x] years.

(5) The validity of any proceedings of the Disciplinary Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

#### **43. Complaints to Council regarding disciplinary breaches.**

(1) A person alleging himself to be aggrieved by an act of professional misconduct committed by a [professional] registered or licensed under this Act may apply to the Council to require the [professional] to answer allegations contained in an affidavit made by such person, and any member of the Council may make a similar application to the Council in respect of allegations concerning –

- (a) any professional misconduct including misconduct which, in keeping with any rules made by the Council pursuant to this Act is to be treated as grave professional misconduct; and
- (b) any convictions of the [professional] in question.

(2) An application under subsection (1) shall be made to the Council and heard by the Disciplinary Committee in accordance with rules made pursuant to this Act.

#### **44. Rules of procedure for Disciplinary Committee.**

(1) The Council may make rules regulating the presentation, hearing and determination of complaints to be heard by the Disciplinary Committee under this Act.

(2) For the purposes of any complaint to be heard by the Disciplinary Committee under this Act, the Council shall have the power to call for the production of books and documents and to summon witnesses.

(3) The Disciplinary Committee shall examine on oath the parties concerned and the witnesses summoned by the Council under subsection (2).

(4) Notwithstanding the generality of subsection (1), the Council may make rules –

- (a) prescribing standards of professional etiquette and professional conduct of [professionals] and may by such rules direct that any specified breach of the rules shall constitute grave professional misconduct; and
- (b) prescribing anything which may be or is required to be prescribed by the Disciplinary Committee under this Part.

(5) Without restricting the power of the Council to declare any specified breach of the rules as grave professional misconduct, grave professional misconduct shall be deemed to have been committed where a [professional] –

- (a) willfully betrays professional confidence;
- (b) impersonates another [professional];
- (c) directly or indirectly holds himself out as being specially qualified in any particular branch of [profession] and who has not taken a special course in such branch and received a certificate of specialty therein which is recognized by the Council; or
- (d) does or fails to do any act or thing the doing of which or the failure to do which the Council reasonably considers to be unprofessional or discreditable.

#### **45. Report to the Council.**

(1) Where the Disciplinary Committee decides, after hearing an application under this Part, that a case of professional misconduct has been made out against a [professional], the Disciplinary Committee shall within [x] days of its decision forward to the Council a report of its findings with the reason for its decision and with any recommendations in relation thereto as it thinks just in accordance with subsection (2).

(2) The Disciplinary Committee may make a recommendation to the Council, under subsection (1), as to doing any of the following in respect of the [professional] to whom the application relates –

- (a) dismissing the application;
- (b) removing his name from the Register;
- (c) revoking his licence;
- (d) suspending his licence on such conditions as the Council may determine;

- (e) imposing on him such fine as deemed appropriate;
- (f) subjecting him to a reprimand; or
- (g) requiring him to attend remedial training.

#### **46. Consideration of report of Disciplinary Committee by Council.**

The Council on consideration of any report submitted by the Disciplinary Committee may make a decision giving effect to any of paragraphs (a) to (g) in section 45 and shall not be obliged to make the decision recommended by the Disciplinary Committee.

#### **47. Discipline for breaches committed overseas.**

Where a registered and licensed [professional] has, either before or after he is registered or licensed under this Act, been convicted in any place outside of [country], of an offence that would be punishable on indictment if the offence were committed in [country], or has committed grave professional misconduct, the Council may review the licence held by such [professional] and may, after giving the [professional] a chance to be heard, make such decision relating to the registration or licence of that [professional] as the Council considers appropriate.

#### **48. Suspension in the public interest.**

Where the Council finds after due enquiry that a [professional] is suffering from a physical or mental condition that might if he continues to practise constitute a danger to the public, the Council may suspend such [professional] from practising until such time as in the opinion of the Council he is able to resume practise.

#### **49. Publication of suspension, revocation or removal.**

(1) Where the Council has suspended or revoked the licence of a [professional] or has removed his name from any Register listed in section 19(1), notification of such action shall be published in the *Gazette*.

(2) Where the name of a [professional] has been removed from any Register listed in section 19(1), the licence issued to him by the Council shall cease to be valid.

#### **50. Voluntary removal of name from Register.**

A [professional] registered under this Act who intends to have his name removed from the Register may submit to the Council a written request to that effect and the Council shall honour his request.

**PART V**  
**OFFENCES AND PENALTIES**

**51. Offences and penalties.**

(1) A person who -

- (a) fraudulently procures or attempts to procure the registration under this Act of himself or any other person by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing;
- (b) fraudulently makes, causes or permits to be made –
  - (i) any false or incorrect entry or copy of an entry in a Register;
  - (ii) any alteration in any entry or copy of an entry on a Register;
- (c) not being a [professional] registered under this Act –
  - (i) practises [profession] for which he demands or received a fee, gratuity or remuneration in [country];
  - (ii) pretends to be a registered [professional];
  - (iii) makes use of the name or title of [professional] or any other name, title, addition, designation or description implying or calculated to lead persons to believe that he is a registered [professional] or licensed under the Act or that he is recognized by law as a [professional]; or
- (d) is registered on the Full Register but is not registered on the Specialist Register and holds himself out to be a specialist [professional] and practises specialist [profession],

commits an offence and shall be liable to a fine [.....] or a term of imprisonment [.....] or to both such fine and imprisonment.

(2) In any prosecution under this Act, it shall be sufficient proof of an offence under this section where it is proved that the accused has done or committed a single act of unauthorized practise or has committed on one occasion any act prohibited hereunder.

(3) Where a person while suspended from practising [profession] or whose name has been removed from any Register listed in section 19(1) –

- (a) practises [profession];

- (b) willfully pretends to be entitled to practise [profession]; or
- (c) willfully makes use of any name, title or description implying or calculated to lead persons to believe that he is registered or licensed under this Act or that he is entitled to be recognized or to act as a [professional],

Commits an offence and is liable on summary conviction to a fine of [ ] or to imprisonment for a term not exceeding [ ].

(4) A person who after the month of January in any year practises [profession] without first obtaining a licence commits an offence and is liable on summary conviction to a fine of [ ] and to a further fine of [ ] for every day on which the offence continues after conviction thereof.

**52. Advertisement or holding out by unauthorized persons.**

(1) No person who is not registered and licensed under this Act shall, either directly or indirectly by advertisement, sign or make any statement of any kind, written or oral, alleging or implying or stating that he is or holds himself out as being qualified, able or willing to practise or practices [profession].

(2) Subsection (1) shall not apply to –

- (a) any person who is registered or licensed under any other Act and under the Council thereof, performs or provides any service which he is authorized or entitled to perform thereunder; or
- (b) any person performing any such service under the council and supervision of any other person registered or licensed in the manner described in paragraph (b), where so permitted or authorized by such Act.

(3) A person who contravenes this section commits an offence.

**53. Penalties where none specifically provided.**

A person who commits an offence under this Act for which no specific penalty is provided is liable on summary conviction to a fine not exceeding [ ] or, in default of payment thereof, to imprisonment for a term not exceeding [ ].

**PART V  
MISCELLANEOUS**

**54. Appeal.**

(1) Where a person is aggrieved by any decision of the Council or the Disciplinary Committee, he may appeal to a judge in Chambers.

(2) A judge on hearing an application under subsection (1) may confirm or reverse the decision or make such order in the case as seems just and his decision shall be final.

**55. Recovery of fees and costs.**

A registered and licensed [professional] is entitled to demand and recover in any Court, with full costs of suit, his reasonable charges for professional services.

**56. Limitation of actions.**

No person registered under this Act shall be liable to any action for negligence or malpractise in respect of professional services requested or rendered unless such action is commenced within one year from the date of discovery.

**57. Certificate to be signed by registered professional.**

Upon commencement of this Act, no certificate required by any written law to be signed by a [professional] shall be valid unless the person signing it is registered and licensed under this Act.

**58. Licence to be prima facie evidence.**

In all cases where proof of registration or of the issue of a licence is required to be made, the production of a licence shall be sufficient evidence in all Courts of the registration of such person, or of the issue to him of a licence as the case may be.

**59. Publication of lists.**

(1) The Council shall cause to be published in the *Gazette* -

(a) in the month of February of every year, an alphabetical list of persons who have at the 31<sup>st</sup> January in that year obtained a licence; and

(b) as soon as practicable after a person obtains a licence, the name of such person obtaining a licence.

(2) A copy of the *Gazette* containing the list referred to in subsection (1)(a), or the name of the person published pursuant to subsection (1)(b), shall in the absence of proof to the contrary be *prima facie* evidence of -

(a) the registration or the issue of a temporary licence to any person named therein, as the case may be;

(b) the qualification of such person; and

(c) the non-registration of any person who is not therein named.

## **61. Regulations.**

The Council may with the approval of the Minister make regulations for the purpose of –

- (a) carrying out the purposes of this Act;
- (b) prescribing forms required to be prescribed under this Act;
- (c) prescribing fees required to be prescribed under this Act;
- (d) regulating the condition of [profession] practice in [country];
- (e) prescribing the processes with respect to disciplinary proceedings against a [professional] in relation to professional misconduct;
- (f) assessing the professional qualification and experience of an applicant for registration and proof of professional conduct and general fitness to practise [profession]; and
- (g) carrying into effect generally the purposes for which the Council is constituted.

## **62. Savings.**

In the event of any inconsistency between this Act and any other Act which deals with the regulation, registration and licensing of the same profession and the free movement of professionals the provisions of this Act shall prevail.