
THE UNITED REPUBLIC OF TANZANIA
BILL SUPPLEMENT

No. 16

21st October, 2016

to the Gazette of the United Republic of Tanzania No.44 Vol.97 dated 21st October, 2016
Printed by the Government Printer, Dar es Salaam by Order of Government

THE MEDICAL, DENTAL AND ALLIED HEALTH PROFESSIONALS
ACT, 2016

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Application.
3. Interpretation.

PART II
ESTABLISHMENT OF THE COUNCIL

4. Establishment of the Council.
5. Composition of the Council.
6. Functions of the Council.
7. Powers of the Council.
8. Committees of the Council.
9. Delegation of powers.
10. Minister may give directions to the Council.
11. Appointment of Registrar.
12. Functions of the Registrar.
13. Deputy Registrar.

14. Other officers and employees of the Council.
15. Appointment of supervisory officers.
16. Remuneration.
17. Immunity.

PART III
REGISTRATION AND LICENSING OF MEDICAL AND
DENTAL PROFESSIONALS

18. Types of registration.
19. Maintenance of Register.
20. Qualification for registration.
21. Procedure for registration.
22. Certificate of registration.
23. Privileges and use of titles.
24. Internship training.
25. Provisional registration.
26. Temporary registration.
27. Full registration as a medical or a dental professional.
28. Registration for foreigners.
29. Registration of persons qualified outside Tanzania.
30. Cancellation or suspension of certificates.
31. Procedure for cancellation or suspension.
32. Practicing licence.
33. Renewal of practicing licence.

PART IV
ENROLMENT, ENLISTMENT AND LICENSING OF
ALLIED HEALTH PRACTITIONERS

34. Requirement for enrolment and enlistment.
35. Qualification for enrolment and enlistment.
36. Procedure for enrolment and enlistment.
37. Issuance of certificate of enrolment or enlistment.
38. Practicing licence.
39. Renewal of practicing licence.
40. Registrar may call for further information.
41. Cancellation or suspension of certificates of enrolment or enlistment.
42. Enrolled or enlisted of foreigners.

**PART V
DISCIPLINARY PROVISIONS**

- 43. Management of complaints.
- 44. Procedure for inquiry.
- 45. Notification and publication of decision of the Council.
- 46. Appeal against decision of the Council.

**PART VI
FINANCIAL PROVISIONS**

- 47. Sources of funds.
- 48. Annual report and accounts.
- 49. Submission of annual financial report.
- 50. Management and control of funds.
- 51. Annual and supplementary budget.
- 52. Operational principles.
- 53. Powers to invest.

**PART VII
OFFENCES AND PENALTIES**

- 54. Offence for illegal practicing.
- 55. Offence for illegal registration.
- 56. General penalty against certain offences.
- 57. Penalty for giving false identification or practicing illegally.
- 58. Penalty for employing persons without valid licence.

**PART VIII
GENERAL PROVISIONS**

- 59. Observance of Code of Ethics.
- 60. Additional qualification.
- 61. Change of address.
- 62. Retention in the Register, rolled and listed.
- 63. Reciprocal recognition.
- 64. Application for review.
- 65. Publication of registered, enrolled and enlisted professionals.
- 66. Power to make regulations.
- 67. Repeal and savings.

SCHEDULE

NOTICE

This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam,
19th October, 2016

JOHN W. H. KIJAZI
Secretary to the Cabinet

A BILL

for

An Act to provide for the regulation of medical, dental and allied health professionals, for establishment of Medical Council of Tanganyika and for other related matters.

ENACTED by Parliament of the United Republic of Tanzania

PART I
PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Medical, Dental and Allied Health Professionals Act, 2016, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act, unless the context otherwise requires:
“allied health professionals” means clinical psychologists, physiotherapists, clinical officers, assistant clinical officers, assistant medical officers, dental therapists, assistant dental officers and any other allied health professionals as the Minister may designate by notice in the *Gazette*;
“committee” means a committee established by the Council under section 8;
“certificate” means a document issued to a medical,

- dental or allied health professionals in accordance with the provisions of this Act;
- “Council” means the Medical Council of Tanganyika established under section 4;
- “dental practitioner” means a registered person holding a degree in dentistry from recognized institution and is licensed to practice as such;
- “dental practice” means the act of giving or offering oral health services inclusive of dental preventive, surgical, restorative and rehabilitative care or advice to an individual, group of persons or an organization;
- “doctor” means a person who has undergone training in medicine or dentistry, in a recognized institution and is awarded a degree by that institution;
- “Deputy Registrar” means the Deputy Registrar of the Council appointed under section 13;
- “limited registration” means a registration granted to a foreigner intending to practice in Mainland Tanzania for a specific period of time;
- “List” means a List of allied health professionals kept by the Registrar;
- “medical practitioner” means a registered person holding a degree in medicine from a learning institution recognised by the Council and is licensed to practice as such;
- “medical or dental professional” means registered person holding a degree in medicine or dentistry from an institution recognised by the Council;
- “Minister” means Minister responsible for health;
- “practicing licence” means a practicing licence issued under this Act authorizing a person to practice as a medical, dental or an allied health professional;
- “professional misconduct” means a conduct connected with the medical, dental and allied health professional in which, by reason of commission or omission, the practitioner has fallen short of standard of conduct expected among the members of the profession, and such falling short is considered to be unacceptable or dishonorable to the profession;
- “provisional registration” means a registration granted to a medical and dental professionals in accordance with the provisions of section 25;

“Register” means a Register of medical and dental professionals kept by the Registrar;

“Registrar” means the Registrar of the Council appointed under section 11;

“Roll” means a roll of allied health professionals kept by the Registrar; and

“temporary registration” means registration issued to a medical practitioner after completion of internship.

PART II

ESTABLISHMENT OF THE COUNCIL

Establishment of
the Council

4.-(1) There is established a Council to be known as a Medical Council of Tanganyika.

(2) The Council shall be a body corporate with perpetual succession and a common Seal.

(3) The Council may, in its corporate name, be capable of:

(a) suing and be sued;

(b) holding, purchasing or otherwise acquiring and disposing movable or immovable property;

(c) entering into contracts or other transactions;

(d) borrowing and lending; and

(e) doing all or such other acts and things which a body corporate may lawfully perform.

(4) Notwithstanding subsections (2) and (3), the Attorney General shall have the right to intervene in any suit or matter instituted for or against the Council.

Cap. 5

(5) Where the Attorney General intervenes in any matter pursuant to subsection (4), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government.

(6) For the purpose of subsection (4), the Council shall have the duty to notify the Attorney General of any impending suit or matter by, or against the Council.

Composition of
the Council

5.-(1) The Council shall consist of seven members to be appointed by the Minister as follows:

(a) a Chairman who shall be appointed from amongst medical, dental or allied health professionals;

- (b) a representative from the Ministry responsible for health;
- (c) a Law Officer representing the Attorney General's Chambers;
- (d) a representative from the Medical Association;
- (e) a representative from the Dental Association;
- (f) a representative from the Allied Health Associations; and
- (g) a representative of persons with disability whose qualification and experience can assist the Council in the performance of its functions.

(2) The Minister shall, in making appointments under subsection (1), take into consideration representation of gender balance.

(3) A person shall not be appointed as a member of the Council if such person:

- (a) has been declared bankrupt;
- (b) has been convicted of a criminal offence and imprisoned for a term exceeding six months;
- (c) is infirm of mind or body to perform the duties of a member; and
- (d) has been disqualified under the provisions of this Act from practicing as a medical, dental or allied health professional.

(4) The Council may co-opt any person with special knowledge or skills to provide expertise to the Council on general or specific issue but such person shall have no right to vote.

(5) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members, procedure and conduct of the meetings of the Council.

(6) The Minister may, on the advice of the Council and by order published in the *Gazette*, vary, alter or amend the Schedules to this Act.

Functions of the Council

- 6.** The functions of the Council shall be to:
- (a) advise the Minister on matters pertaining to regulation, practice and training of medical, dental and allied health professionals;
 - (b) exercise general supervision of professional conduct by medical, dental and allied health professionals;

- (c) regulate and control continuing professional development for medical, dental and allied health professionals;
- (d) promote the maintenance and enforce adherence to medical, dental and allied health professional ethics;
- (e) advise respective institutions responsible for accreditation on the kind of training or programme that impart the requisite knowledge and skill for the efficient practice of medicine, dental and allied health sciences;
- (f) in collaboration with relevant accreditation body, inspect medical, dental and allied health training institutions for the purpose of ascertaining quality of the training offered;
- (g) caution, censure, suspend from practice, erase from the Register, Roll and List of names of practitioners, after being found guilty and convicted of an offence of professional misconduct;
- (h) ensure the maintenance of:
 - (i) the Register of registered medical, dental professionals; and
 - (ii) the Roll and List of allied health professionals;
- (i) publish in the *Gazette* and official website of the Council, names, addresses and qualifications of all newly registered and licensed medical and dental professionals and enrolled or enlisted allied health professionals;
- (j) exercise disciplinary control over medical, dental and allied health professionals;
- (k) approve internship centres for medical and dental graduates;
- (l) inquire into complaint, charge or allegation of improper conduct against any medical, dental or allied health professionals registered, enrolled or enlisted under this Act;
- (m) advise training institutions on matters relating to training of medical, dental or allied health professionals;

- (n) approve the budget or supplementary budget of the Council;
- (o) set fees and charges payable under this Act; and
- (p) perform any other functions as may be required under this Act or under any other written law.

Powers of the Council

7. The Council shall have powers to caution, censure, suspend from practice or erase from the Register, Roll or the List any medical, dental or allied health professional as the case may be, who:

- (a) has breached professional conduct;
- (b) has been convicted of a criminal offence relating to medical, dental or allied health professionals practice;
- (c) fails to observe conditions imposed for his registration, enrolment or enlistment; or
- (d) has done anything that has lowered the esteem and integrity of the medical, dental or allied health profession in relation to professional ethics and standards as determined by the Council.

Committees of the Council

8.-(1) The Council may, for the purpose of ensuring efficient execution of its functions, establish such number of committees to perform functions of the Council upon such terms and conditions as the Council may deem necessary.

(2) The Committee may, in the performance of its functions, co-opt any person who is not a member of the committee to attend its meeting and provide such technical expertise as may be required but such person shall not have a right to vote.

(3) The Committee shall, in the performance of its functions under this section, be answerable to the Council.

Delegation of powers

9.-(1) The Council may, by resolution and subject to such terms, conditions and restrictions as it may specify, delegate to any member of the Council, committee or any employee of the Council, some of its functions, powers and duties conferred or imposed to it by or under this Act as it may deem appropriate.

(2) Delegation made under this section shall not prevent the Council from performing or exercising its function, power or duty delegated.

(3) Notwithstanding subsection (1), the Council shall not have power to delegate-

- (a) its disciplinary and advisory power under this Act;
- (b) the power to approve the annual budget, supplementary budget and scrutinize financial statements; or
- (c) its powers to delegate under this Act.

Minister may give directions to the Council

10. Subject to this Act, the Minister may, where circumstances so require, give to the Council directions of general or specific nature regarding the performance of its functions under this Act and the Council shall give effect to every directive given by the Minister.

Appointment of Registrar

11.(1) The Minister shall appoint a senior medical, dental or allied health professional from the public service to be the Registrar of the Council.

(2) The Registrar appointed under subsection (1), shall be the Chief Executive Officer and Secretary to the Council.

(3) The Registrar shall, unless his appointment is terminated, hold office for a period of five years and may, subject to his satisfactory performance, be eligible for re-appointment for one more term.

(4) Where the Registrar is absent or unable to carry out any of his functions under this Act, the Deputy Registrar shall perform such functions.

(5) Where the Registrar and Deputy Registrar are both absent, any senior officer of the Council shall carry out the functions of the Registrar as the Chairman of the Council may, in writing, direct.

Functions of the Registrar

12. The functions of the Registrar shall, subject to the approval of the Council, include:

- (a) issuance of registration certificates and practicing licences;
- (b) to keep and maintain the Register, Roll and List of medical, dental and allied health professionals;
- (c) to make necessary alterations and corrections

in the Register, Roll and List in relation to any entry;

- (d) to remove from the Register, Roll or the List-
 - (i) the name of any medical, dental or allied health professional ordered to be removed in accordance with the provisions of this Act; and
 - (ii) the name of a deceased medical, dental or allied health professionals;
- (e) reinstate any name removed from the Register, Roll or List as may be directed by the Council; and
- (f) perform any other functions as may be assigned to him by the Council.

Deputy Registrar

13.-(1) The Minister shall appoint a law officer from the public service to be the Deputy Registrar of the Council.

(2) The Deputy Registrar appointed under subsection (1), shall assist the Registrar in the performance of his functions under this Act and shall discharge such other duty as may be directed by the Council or the Registrar.

(3) The Deputy Registrar appointed under subsection (1) shall, in the performance of his functions be, answerable to the Registrar.

(4) Where the Registrar authorises the Deputy Registrar to act on his behalf in any matter, any reference in this Act to “the Registrar” shall include a reference to the Deputy Registrar.

(5) The functions and powers of the Deputy Registrar shall be prescribed in the instrument of appointment or regulations made under this Act.

Other officers and employees of the Council

14.-(1) The Council shall appoint such number of officers and employees of the Council in various categories as may be required.

(2) The officers and employees of the Council shall, in the performance of their functions, be answerable to the Registrar.

Appointment of supervisory officers

15.-(1) The Council may, by notice published in the *Gazette*, appoint medical, dental or allied professionals to be supervisory officers at the district or

regional level.

(2) A person appointed under subsection (1) shall perform supervisory functions of medical, dental or allied health professionals as the case may be, and any other functions within the respective district or region, as the Council may direct, including-

- (a) to conduct preliminary investigation on charges or complaints against medical, dental or allied professionals on malpractice, lack of competence, fitness to practice, negligence and misconduct and forward the same to the Council for final determination;
- (b) to submit to the Council the name of the registered medical, dental or allied health professionals who has by any reason ceased to practice; and
- (c) to collect fees and to perform such other functions as may be determined by the Council.

Remuneration

16. The members of the Council or of its committee, officers and employees of the Council shall be paid remuneration or allowances at such rates as the Minister may, after consultation and approval of the Minister responsible for public service, determine.

Immunity

17. Notwithstanding the provisions of any other written law, no action or other proceedings shall lie or be instituted against any member of the Council or of its committees, officer or any employee of the Council for or in respect of any act or thing done or omitted to be done in good faith in the exercise of the powers conferred by this Act.

PART III
REGISTRATION AND LICENSING OF MEDICAL AND
DENTAL PROFESSIONALS

Types of
registration

18. Types of registration of medical and dental professionals under this Act shall be as follows:

- (a) provisional registration;
- (b) temporary registration;
- (c) full registration; and
- (d) limited registration.

Maintenance of Register

19.-(1) For the purpose of section 18, the Council shall establish, keep and maintain a Register of qualified medical and dental professionals registered under this Act.

(2) The Register established under this section shall contain particulars of registration and such other particulars as may be directed by the Council.

Qualification for registration

20.-(1) A person shall not be eligible for registration under this Act unless such person satisfies the Council that:

- (a) in the case of a medical or dentist, he is a holder of a degree in medicine or dentistry, from a recognized institution;
- (b) psychology, clinical psychiatry or physiotherapy, respectively from a recognized institution; and
- (c) his professional and general conduct renders him fit and proper to be registered, as a medical or dental, as the case may be.

(2) The Minister may, upon consultation with the Council, make regulations prescribing additional qualification or requirements for registration, as he may consider necessary.

Procedure for registration

21.-(1) A person who intends to obtain registration under this Part shall submit an application to the Registrar in the prescribed form.

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

- (a) a certified copy or copies of certificates for academic qualifications of the applicant; and
- (b) an application fee as may be prescribed in the regulations.

(3) The Registrar shall, after receiving an application, refer the application together with his recommendations to the Council for consideration and determination.

(4) The Council may, after consideration of the matter-

- (a) approve the application and direct the Registrar to register the applicant; or
- (b) reject an application and direct the Registrar

to inform the applicant accordingly stating the reasons for the Council's decision.

Certificate of registration

22.-(1) The Registrar shall, immediately after effecting registration under this Act, issue to every registered medical or dental professional a certificate of registration upon payment of prescribed fee.

(2) The certificate of registration shall contain:

- (a) full names and address of the applicant;
- (b) academic qualifications and title of the applicant; and
- (c) such terms and conditions in respect of which a certificate is issued.

Privileges and use of titles

23. A person registered under this Act as a medical or dental professional shall be entitled to-

- (a) take or use the title and description of medical or dental profession according to the title indicated on the certificate of registration and shall not be allowed to take, use or affix any title or description other than that of registration;
- (b) practice as a medical or dental profession and demand, sue for and recover in any court of law reasonable charges for professional services, aid, advice and visits.

Internship training

24.-(1) A person who intends to undergo internship training shall, within three months after completion of undergraduate training, apply to the Council for provisional registration.

(2) A provisionally registered medical or dental practitioner shall, immediately after registration, report to the centre of training for the purpose of internship training, failure of which shall amount to cancellation of his provisional registration.

Provisional registration

25.-(1) A medical or dental professional shall not undergo internship training, unless he has been granted provisional registration by the Council.

(2) The procedures and requirement for provisional registration shall be as prescribed in the regulations.

(3) A person who obtains provisional registration

shall, upon payments of prescribed fee, be issued with a certificate of provisional registration.

(4) A provisionally registered medical or dental professional shall be deemed to be registered as far as it is necessary to enable him to practice under the supervision of a senior registered medical or dental practitioner.

Temporary registration

26.-(1) A medical or dental professional who completes internship shall, upon application to the Council, be granted a temporary registration.

(2) The duration for temporary registration referred to under subsection (1) shall be for a period of two years in which a medical or dental professional shall work or practice as such under a limited supervision.

Full registration as a medical or a dental professional

27.-(1) A person who has completed internship programme and has worked or practised as medical or dental professional for a period of two years under limited supervision shall, upon application to the Council, be entitled to full registration as medical or dental professional.

(2) Application for full registration under this section shall be accompanied with:

- (a) copies of certificates of provisional registration and temporary registration; and
- (b) such other particulars as may be required for that purpose.

Registration for foreigners

28.-(1) A foreigner who intends to practice as a medical or dental professional under this Act, shall submit an application to the Council together with copies of certificate of his qualifications and such other particulars as may be prescribed in the regulations.

(2) Subject to subsection (1), a foreigner shall be eligible for limited registration.

(3) The period for limited registration shall be as prescribed in the regulations.

Registration of persons qualified outside Tanzania

29.-(1) Any person qualified as a medical or dental professional outside the United Republic shall be subjected by the Council to an evaluation of his knowledge and skills before being considered for registration for which he is applying.

(2) The procedure for evaluation referred to under subsection (1) shall be as prescribed in the regulations.

Cancellation or suspension of certificates

30. Where the holder of the certificate fails to observe the imposed conditions of his registration as required, the Council may, subject to section 31, cancel or suspend the certificate of registration granted to the holder under this Act.

Procedure for cancellation or suspension

31.-(1) Where the medical or dental professional is in violation of the terms and conditions of his registration, the Registrar shall, on the directives of the Council, serve on the medical or dental professional a notice in writing specifying the nature of default.

(2) Upon receipt of the notice under subsection (1), the medical or dental professional as the case may be shall make representation in writing to the Registrar on the rectification of the default.

(3) Where the medical or dental professional fails to rectify the default within the time specified in the notice or fails to make representation satisfactory to the Registrar, the Registrar shall recommend to the Council for cancellation or suspension of the Certificate of registration.

(4) The Council shall, if it is satisfied with the recommendations made under subsection (3), direct the Registrar to cancel or suspend the Certificate of registration.

Practicing licence

32.-(1) A person who is a medical or dental professional and intends to practice under this Act, shall apply to the Council for a practicing licence.

(2) An application for practicing licence referred to under subsection (1), shall be accompanied with:

- (a) certificate of registration;
- (b) prescribed fee; and
- (c) such other documents as the Council may deem appropriate.

(3) Subject to subsection (2), the Council may-

- (a) approve the application and direct the Registrar to issue a practicing licence to the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant reasons for the

Council's decision.

Renewal of
practicing
licence

33.-(1) A practicing licence issued under section 32 shall be subject to renewal, upon payment of prescribed fees.

(2) A practicing licence shall not be renewed unless the applicant proves that he has undergone continuing professional development, in the manner prescribed in the regulations.

(3) Procedures for renewal of practicing licence shall be as prescribed in the Regulations.

PART IV
ENROLMENT, ENLISTMENT AND LICENSING OF
ALLIED HEALTH PRACTITIONERS

Requirement for
enrolment and
enlistment

34. A person who intend to practise as an allied health practitioner shall, before practicing, be required to enrol or enlist with the Council.

Qualification for
enrolment and
enlistment

35. A person shall-

(a) enrol with the Council to practice as an allied health practitioner if such person is awarded advanced diploma or a diploma from a recognised institution; or

(b) enlist with the Council to practice as an allied health practitioner if such person is awarded a certificate recognised by the Council.

(2) The Minister may, on the recommendation of the Council and by notice publish in the *Gazette*, specify other certificates or qualifications which shall entitle the holder thereof for enrolment and enlistment under this Act.

Procedure for
enrolment and
enlistment

36.-(1) A person who intends to enrol or enlist as an allied health practitioner shall submit his application in the prescribed form to the Registrar.

(2) An application form under subsection (1), shall contain such particulars as may be determined by the Council and shall be accompanied by:

(a) a certified copy or copies of certificate for academic qualifications of the applicant; and

(b) enrolment or enlistment fee as may be prescribed by the Council.

Issuance of certificate of enrolment or enlistment

37.-(1) The Registrar shall, on the directive of the Council and upon payment of prescribed fee, issue to every enrolled or enlisted allied health practitioner a certificate of enrolment or enlistment as may be prescribed.

(2) A certificate to be issued under subsection (1) shall be signed by the Chairman and the Registrar, and shall on production thereof in any way be admissible as *prima facie* evidence of enrolment or enlistment under this Act.

(3) The Council shall, in granting a certificate of enrolment or enlistment to the allied health practitioner under this Act, impose specific or general conditions to be observed by the holder of the certificate.

(4) Where an application for enrolment or enlistment is not granted, the Council shall direct the Registrar to notify the applicant in writing stating the reasons for the decision of the Council.

Practicing licence for allied health professional

38.-(1) A person who is enrolled or enlisted under this Act and intends to practise as allied health professional, shall apply to the Council for a practicing licence.

(2) Subject to subsection (1), the Council may-

(a) approve the application and direct the Registrar to issue a practicing licence to the applicant; or

(b) reject an application and direct the Registrar to inform the applicant reasons for the Council's decision.

Renewal of practicing licence for allied health professionals

39.-(1) A practicing licence issued under section 38 shall be subject to renewal, upon payment of prescribed fees.

(2) Procedures for renewal under section 33 shall apply *mutatis mutandis* to renewal under this section.

Registrar may call for further information

40. The Registrar may, on his own motion or on the instruction from the Council, request any practitioner to furnish him with necessary information regarding his qualifications.

Cancellation or

41.-(1) Where the holder of the certificate of

suspension of certificates of enrolment or enlistment

enrolment or enlistment fails to observe the imposed conditions as required, the Council may cancel or suspend the certificate of enrolment or enlistment granted to him under this Act.

(2) The provisions of section 31 shall apply *mutatis mutandis* in relation to the procedure for cancellation or suspension of the certificate for enrolment or enlistment under this section.

Enrolled or enlisted of foreigners

42.-(1) Any foreigner who hold an advance diploma, a diploma or a certificate and intends to be enlisted or enrolled as allied health professional for specific period of time shall be registered as a limited enrolled or enlisted.

(2) Procedure for enrolment or enlistment of foreigners under this section shall be prescribed in the regulations.

PART V DISCIPLINARY PROVISIONS

Management of complaints

43.-(1) Where a medical, dental or an allied health professional is alleged to be unfit to practice, such complaints shall be lodged to the Registrar who shall forward the matter to the Council.

(2) A medical, dental or an allied health professional shall be considered unfit to practise under this Act, if such person-

- (a) has breached code of ethics;
- (b) is incompetent;
- (c) has been convicted of an offence relating to medical, dental or allied health professionals practice;
- (d) has committed any malpractice, negligence, breach or any directives issued under this Act;
- (e) is mentally sick and approved as such by the Medical Board in Tanzania or any other licensing authority responsible for health regulation in any other jurisdiction.

(3) For the purpose of subsection (2), the term “unfit to practise” shall be construed to include:

- (a) contravention of the provision of this Act or regulations;
- (b) failure to abide by terms, conditions or

- limitations of a registered, enlisted, enrolled as a medical, dental or an allied health professional, as the case maybe;
- (c) having a conflict of interest which affects the clients and a registered, enrolled or enlisted professional;
 - (d) practicing without being registered, enrolled or enlisted or without a practicing licence;
 - (e) an attempt to use his own certificate, number or seal of another medical, dental and allied health professional or impersonate any registered, enrolled or enlisted medical, dental or allied health professional;
 - (f) abetting or aiding illegal practice of a medical, dental or an allied health professional;
 - (g) furnishing false information or documents to the Council in order to secure a certificate of registration, enrolment or enlisting;
 - (h) impersonation of a registered, enrolled or enlisted medical, dental or an allied health professional or a holder of temporary registration certificate;
 - (i) abusing a client verbally, physically, sexually or in any other way;
 - (j) influencing a client to change his will, on health care directive;
 - (k) abandoning a client who is in need of attention;
 - (l) misappropriating drugs or other property belonging to a client or an employer;
 - (m) failing to report any incompetence, negligence or professional misconduct of a medical, dental or allied health professionals, whose actions endanger the health of a client;
 - (n) failure to exercise discretion in respect of the disclosure of confidential information about the client; or
 - (o) any other conduct as the Council may deem fit.

(4) Any complaints under this section shall be accompanied by a written statement made by the complainant or any other person acting on his behalf or any other person interested in the act giving rise to the

complaint.

(5) Notwithstanding subsection (4), the Council may, on its own motion, initiate any preliminary inquiry into a medical, dental or an allied health professional if is satisfied that the information received by the Council warrants holding of a preliminary inquiry.

(6) Except for complaints arising under subsection (1), no inquiry shall proceed unless a statutory declaration by the complainant is obtained.

(7) Any complaint lodged to the Council shall be in the manner prescribed in the regulations.

Procedure for
inquiry

44.-(1) The Council shall, where it is of the opinion that a *prima facie* case is established by the complainant, direct that an inquiry be held.

(2) The Council shall give opportunity for a medical, dental or allied health professional against whom misconduct is alleged, to appear before the Council, and may be represented by a legal representative.

(3) Where a medical, dental or allied health professional fails to appear at an inquiry without reasonable excuse and the Council is satisfied that a notice was duly served, the Council may proceed with the inquiry as if the medical, dental or the allied health professional was present.

(4) The Council may, after due inquiry made in accordance with the provisions of this Act-

- (a) order the removal of the name of the medical, dental or allied health professional from the Register, Roll or a List;
- (b) order the suspension from the practice of the medical, dental or allied health professional for such period as the Council may consider necessary;
- (c) caution, censure or otherwise reprimand the medical, dental or allied health professional;
or
- (d) order payment of costs involved in the inquiry or such other cost as may be appropriate.

(5) The Registrar shall, within seven days after determination of the inquiry, communicate the decision of the Council to the parties.

(6) The Council shall have power to summon any

witness and may require such witness to produce any document for the purpose of the inquiry.

Notification and publication of decision of the Council

45. The Registrar shall, as soon as practicable and after the conclusion of an inquiry by the Council, serve a notice of decision of the Council on the medical, dental or the allied health professional in respect of whom an inquiry was held.

Appeal against decision of the Council

46. A person who is aggrieved by the decision of the Council may, within thirty days from the date of decision, seek redress to the High Court.

PART VI FINANCIAL PROVISIONS

Sources of funds

47.-(1) Sources of funds for the Council shall include:

- (a) monies as may be appropriated by Parliament;
- (b) any funds or assets which may be vested in or accrued from other sources;
- (c) loans granted by the Government or by any other person or body;
- (d) fees imposed and other charges collected from provision of services under this Act;
- (e) gifts, grants and donations;
- (f) proceeds derived from sale of assets or any other source of income identified by the Council; and
- (g) any other monies received by or made available to the Council for the purpose of its functions.

(2) The fees and charges payable under this Act shall be as prescribed in the regulations.

Annual report and accounts

48.-(1) The Council shall, at the end of each financial year, prepare an annual implementation report on the activities of the financial year and submit the report to the Minister.

(2) The Council shall ensure that the annual financial statements are prepared and audited by the Controller and Auditor General three months after the end of each financial year.

- (3) The financial statements shall include:
 - (a) statement of financial performance;
 - (b) statement of financial position;
 - (c) statement of cash flows;
 - (d) statement of changes of equity; and
 - (e) notes to the financial statements.

(3) No expenditure shall be made unless authorized by the Council within the estimates of that financial year.

Submission of
annual financial
report

49.-(1) The Council shall, within six months after the end of each financial year, submit to the Minister a report of activities and operations of the Council during that year and be accompanied by-

- (a) a copy of the audited accounts of the Council;
- (b) a copy of the Auditor's report on the accounts; and
- (c) any other information as the Minister may direct.

(2) The Minister shall, as soon as practicable, lay before the National Assembly the audited accounts and the annual report of the Council.

Management
and control of
funds

50.-(1) The Council shall keep books of accounts and maintain proper records of its operations in accordance with national accounting standards.

(2) The Council shall cause to be prepared and kept proper books of accounts and record with respect to:

- (a) the assets and liabilities;
- (b) the receipt and expenditure of monies and other financial transactions; and
- (c) a statement of financial position and a statement indicating details of the financial performance to be prepared in every financial year.

(3) The funds and resources of the Council shall be used for the better carrying out of the objectives of this Act.

(4) The Council's expenditure shall be subject to monitoring and review.

Annual and
supplementary
budget

51.-(1) The Council shall, not less than one month before the beginning of any financial year, approve the annual budget of the amount expected to be

received and disbursed during that financial year.

(2) Where in any financial year, the Council requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Council shall approve a supplementary budget detailing the disbursement.

(3) The annual budget and every supplementary budget shall be in the form and manner as may be prescribed or directed by the Minister.

Operational principles

52.-(1) The Council shall:

(a) open and operate all sets of books of accounts, ledgers, journals, and other subsidiary books of accounts in accordance with its accounting manual; and

(b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue account and payments shall be made from the expenditure account.

(3) An expenditure shall not be incurred from the funds of the Council unless that expenditure is part of the expenditure plan approved by the Minister.

Powers to invest

53. The Council may, after obtaining approval of the Minister and in consultation with the Minister responsible for finance, invest any monies in such a manner as it deems fit.

PART VII OFFENCES AND PENALTIES

Offence for illegal practicing

54.-(1) A person who wilfully and falsely practices as medical, dental or allied health professional knowing that he is not qualified as such, commits an offence and upon conviction, shall be liable to a fine not less than five million shillings but not exceeding ten million shillings or imprisonment for a term of not less than one year but not exceeding two years or to both.

(2) A person who practices as medical, dental or allied health professional without being registered, enrolled or enlisted under this Act commits an offence

and shall, upon conviction, be liable to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.

(3) A person who practices as a medical, a dental or an allied health professional or receives payment without a valid practicing licence, commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings but not exceeding two million shillings or to imprisonment for a term of not less than three months but not exceeding five months or to both.

(4) In addition to the penalties imposed under this section, the trial court as the case may be, may order that any drugs, poisons, medicines, needles, surgical, medical, dental or diagnostic instruments or appliances used by or belonging to or found in possession of a person convicted, be dealt with in accordance with the Tanzania Food and Drugs Authority Act.

Cap.219

Offence for
illegal
registration

55. Any person who:

- (a) abets, procures or attempts to procure registration, enrolment or enlistment or practicing licence by-
 - (i) making or causing to be made any false statement;
 - (ii) producing any false or fraudulent documents;
- (b) receives any payment for practicing medicine or dentistry, without being registered, enrolled or enlisted,

commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding two years or to both.

General penalty
against certain
offences

56. Any person summoned by the Council, who:

- (a) fails without reasonable cause to appear before the Council; or
- (b) fails to produce any document which he is required to produce,

commits an offence and on conviction shall have his practicing licence suspended or cancelled by the Council.

Penalty for giving false identification or practicing illegally

57. Any person who wilfully allows or falsely uses any name, title or description implying a qualification to practice or earn remuneration as a medical, dental or an allied health professional commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding two years or to both.

Penalty for employing persons without valid licence

58. A person who, employs any other person to practice as medical, dental or allied health professional in a capacity of a registered, enrolled or enlisted medical, dental or allied health professional without valid practicing licence, commits an offence, and shall, on conviction, be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a period of not less than one year but not exceeding two years or to both.

**PART VIII
GENERAL PROVISIONS**

Observance of Code of Ethics

59.-(1) There shall be a Code of Ethics for Professional Conduct for medical, dental and allied health professionals which shall be known as the “Code of Ethics”.

(2) A medical, dental or allied health professional registered, enrolled or listed under this Act shall observe the Code of Ethics and a breach of any of the provisions of this Act shall amount to misconduct.

Additional qualification

60. Any person holding an additional qualification for which he is registered, enrolled or enlisted under this Act may apply to the Council for recognition of such qualification in the manner to be prescribed in the regulations.

Change of address

61. Every medical, dental or allied health professional shall, immediately and in writing, notify the Registrar of any change of his address.

Retention in the Register, enrolled or enlisted

62.-(1) Any registered medical, dental or allied health professional who does not practice shall retain his name in the Register, Roll or List as the case may be,

through annual renewal.

(2) An application for renewal for retention under this Act, shall be made to the Council in a prescribed manner before expiration of existing certificate and shall be accompanied by a prescribed renewal fee.

(3) Where a registered medical, dental or allied health professional fails to apply for retention before the expiration of the existing certificate of registration, enrolment or enlistment, the Council may renew the registration if the application is made within six months after the end of the expiry period.

(4) Where at the end of that period of six months, a registered medical, dental and allied health professional has not renewed his registration, the Council shall suspend the registration for one year, and if after a year the medical, dental and allied health professional fails to renew the registration, then the Council shall cancel the registration and remove the person's name from the Register.

Reciprocal
recognition

63. There shall be reciprocal recognition for persons registered as medical or dental and allied health professionals with other countries upon entering into Mutual Recognition Agreements between the Council and other professional regulatory bodies.

Application for
review

64.-(1) Any person who is aggrieved by a decision of the Registrar regarding registration, enrolment or enlistment may, within thirty days from the date of notification of the decision, apply to the Council for review.

(2) The Council may, after hearing the Registrar and the professional, issue to the Registrar such directives as it may consider necessary.

(3) The Council may make rules for regulating the hearing of applications for review.

Publication of
registered,
enrolled and
enlisted
professionals

65. The Registrar shall not later than 31st March of every year and at such other times as may be determined by the Council, cause publication of names of registered, enrolled or enlisted persons under this Act in the official *Gazette*, websites or other media.

Power to make regulations

66.-(1) The Minister may, after consultation with the Council, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may prescribe:

- (a) qualifications which shall be recognized as entitling the holder to be registered, licensed, enrolled or enlisted under this Act;
- (b) standards of professional conduct of medical, dental and allied health professional;
- (c) standard guidelines for inspection and accreditation of centres of internship;
- (d) various forms to be used under this Act;
- (e) conduct of internship program;
- (f) procedures for renewal of retention and practicing licences under this Act;
- (g) procedure for appeals under this Act;
- (h) matters in respect of which fees shall be payable under this Act; and
- (i) anything which in the opinion of the Council is incidental or conducive to the performance and exercise of its functions and powers under this Act.

Repeal and savings
Cap.152

67.-(1) The Medical Practitioners and Dentists Act is hereby repealed.

(2) Notwithstanding the repeal under subsection (1) anything done or any action taken or purported to have been done or taken under the repealed Act shall, in so far as its not inconsistent with the provisions of this Act, be deemed to have been done or taken under corresponding provisions of this Act.

(3) All subsidiary legislation made or issued under the repealed Act which are enforce on the commencement of this Act, shall be deemed to have been made or given under the provisions of this Act and shall remain in force until they are revoked by subsidiary legislation made under this Act.

SCHEDULE

(Made under section 5(5))

PROVISIONS RELATING TO THE COUNCIL

Appointment of Vice-Chairman	<p>1. Members shall elect one among its members to be the Vice-Chairman of the Council and such member elected shall hold office for a term of three years.</p>
Tenure of office	<p>2.-(1) A member shall, unless the appointing authority terminates his appointment, or ceases in any other way to be a member, hold office for a period of three years but shall be eligible for reappointment for another one term.</p> <p>(2) A member appointed by virtue of his office shall cease to be a member upon ceasing to hold the office entitling him to appointment to the Council.</p>
Meeting of the Council	<p>3.-(1) The Council shall ordinarily meet at such times and places as it deems necessary for transaction of its business, but shall meet at least once in every three months.</p> <p>(2) The Chairman or in his absence, the Vice-Chairman, may at any time call a special meeting of the Council upon request by a majority of the members.</p> <p>(3) The Chairman or in his absence the Vice-Chairman, shall preside at every meeting of the Council and in the absence of both the Chairman and the Vice-Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.</p> <p>(4) A member of the Council who fails to attend at least two consecutive meetings in a calendar year without giving any reason shall cease to be a member and a vacant position may be filled accordingly.</p>
Quorum	<p>4. The quorum at any meeting of the Council shall be two third of the members.</p>
Decision of the Council	<p>5. Matters proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the person presiding over the meeting shall have a casting vote in addition to his deliberative vote.</p>
Minutes of meetings	<p>6. The Registrar shall record and keep minutes of all business conducted or transacted at the meeting and the minutes of each meeting of the Council shall be read and confirmed or amended and confirmed at the next meeting of the Council and signed by the person presiding over the meeting and the Secretary.</p>
Absence not to invalidate proceedings	<p>7. The validity of any act or proceedings of the Council shall not be affected by any absence among its members or by any defect in the appointment of any one of them.</p>
Council may regulate its own proceedings	<p>8. The Council may regulate its own proceedings.</p>

Orders and documents

9. All orders, directions, notes or other documents issued on behalf of the Council shall be signed by the:

- (a) Chairman; or
- (b) Registrar of the Council authorised in writing in that behalf by the Council.

Seal of the Council

10.-(1) The Council shall have a Seal to be kept under safe custody of the Registrar.

(2) The affixing of the Seal of the Council on any document shall be authenticated by the signature of the Chairman and the Registrar.

(3) A document purporting to be an instrument issued by the Council and authenticated in the manner provided for under subparagraph (2) shall be deemed to be a valid instrument.

OBJECTS AND REASONS

This Bill proposes for enactment of the Medical, Dental and Allied Health Professionals Act, 2016. In particular, the proposed Bill makes provisions for the regulation of medical, dental and allied health professionals. The Bill also establishes the Medical Council of Tanganyika and provides for its functions and management in order to improve services and protect the general public from the effects which may arise from the misconduct of medical, dental and allied health professionals.

The Bill is divided into Eight Parts.

Part I provides for preliminary matters including the citation, commencement date, application and interpretation of terms and designations used in the proposed Act.

Part II provides for the establishment of the Council, its composition, functions and powers. It also gives power to the Council to delegate some of its functions to any committee, employee and staff of the Council. Further, the Part establishes the committees of the Council and makes provisions relating to the appointment of the Registrar of the Council and his functions. It also establishes the position of the Deputy Registrar to assist the Registrar in performance of his functions and empowers the Council to appoint supervisory officers at the district or regional levels to work on behalf of the Council.

Part III provides for matters relating to the registration and licensing of professional. Under this Part different categories of registers and registration are established.

Further, the Part provides for procedures for any foreigner who wants to be registered and to practice as medical, dental and allied health profession in Tanzania. Furthermore, this Part provides for provisions on the procedure for ensuing and renewal of practicing licences and retention procedures for review in case of refusal of a practicing licence. The procedure for cancelation and suspension of certificate is also provided for those who violate the conditions imposed under the Act.

Part IV provides for enrolment and enlistment of allied health practitioners. It also contains provisions on the requirement of any person who wants to be allied health practitioner to be enrolled or enlisted by the Council so as to allow such person to practice within the country. Furthermore, impose conditions on the qualification needed for allied health professional in order to be enrolled or enlisted under this Act and issuance of certificate by Registrar for qualified allied health practitioner.

Part V of the Bill provides for disciplinary matters for professionals. It establishes the mechanism for receipt of complaints, procedure for inquiry, sanctions, disciplinary powers of the Council to summon witness, as well as the publication of the decision of the Council. Further, it makes appeal procedure for persons aggrieved by the decision of the Council.

Part VI contains financial provisions. The Part identifies the sources of funds for the Council and provides for matters relating to annual reports, accounts, management and control of funds and budgeting. It also empowers the Council to make some investments but subject to an approval by the Minister responsible for health and the Minister responsible for finance.

Part VII provides for offences and penalties. It creates offences for illegal practicing and registration and corresponding penalties, including the penalty for giving false identification and employing persons without valid licence. It also creates general penalty against certain offences.

Part VIII provides for general provisions. It proposes matters relating the importance of observing the Code of Ethics to be established. It also contains provisions relating to reciprocal recognition of persons registered in other countries upon entering into mutual recognition agreement between the Council and any other professional regulatory body and publication of registered, enrolment and enlistment professionals. Apart from that, the Part

empowers the Minister to make regulations and provides for transitional period, repeal and savings.

Dar es Salaam,
13th October, 2016

UMMY A. MWALIMU
*Minister for Health, Community
Development, Gender, Elderly and Children*

SHERIA YA MADAKTARI, MADAKTARI WA MENO NA WATAALAM WA AFYA
SHIRIKISHI YA MWAKA 2016

MPANGILIO WA VIFUNGU

Kifungu *Jina*

SEHEMU YA KWANZA
MASHARTI YA AWALI

1. Jina na tarehe ya kuanza kutumika.
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI
KUANZISHWA KWA BARAZA

4. Kuanzishwa kwa Baraza.
5. Wajumbe wa Baraza.
6. Kazi za Baraza.
7. Mamlaka ya Baraza.
8. Kamati za Baraza.
9. Kukasimu Madaraka.
10. Waziri kutoa maelekezo kwa Baraza.
11. Uteuzi wa Msajili.
12. Kazi za Msajili.
13. Msajili Msadizi.
14. Maafisa na wafanyakazi wa Baraza.
15. Uteuzi wa afisa msimamizi.
16. Malipo na posho.
17. Kinga.

SEHEMU YATATU
USAJILI NA UTOAJI WA LESENI KWA MADAKTARI NA
MADAKTARI WA MENO

18. Aina za usajili.
19. Utunzaji wa Rejista.
20. Sifa za usajili.
21. Utaratibu wa usajili.
22. Cheti cha usajili.
23. Matumizi ya jina.
24. Mafunzo kwa vitendo.

25. Usajili wa awali.
26. Usajili wa muda.
27. Usajili wa kudumu kama daktari na daktari wa meno.
28. Usajili wa wageni.
29. Usajili wa watu waliohitimu nje ya Tanzania.
30. Kufuta au kusitisha cheti.
31. Utaratibu wa kusitisha cheti cha usajili.
32. Leseni ya kutoa huduma.
33. Kuhuisha leseni ya kutoa huduma.

SEHEMU YA NNE
UORODHESHWAJI, UANDIKISHWAJI NA UTOAJI WA LESENI KWA
WATAALAM WA AFYA SHIRIKISHI

34. Masharti ya kuorodheshwa na kuandikishwa.
35. Sifa za kuandikishwa na kuorodheshwa.
36. Utaratibu wa kuandikishwa au kuorodheshwa.
37. Utoaji wa cheti cha kuandikishwa au kuorodheshwa.
38. Leseni kwa mtaalam wa afya shirikishi.
39. Kuhuishwa kwa leseni ya mtaalam wa afya shirikishi.
40. Msajili anaweza kuitisha taarifa za ziada.
41. Kufuta au kusitisha kwa muda cheti cha kuandikishwa au kuorodheshwa.
42. Kuandikishwa au kuorodheshwa kwa wageni.

SEHEMU YA TANO
MASHARTI YANAYOHUSU NIDHAMU

43. Usimamizi wa utaratibu wa malalamiko.
44. Utaratibu wa uchunguzi.
45. Taarifa na uchapishaji wa maamuzi ya Baraza.
46. Rufaa dhidi ya uamuzi wa Baraza.

SEHEMU YA SITA
MASHARTI YA FEDHA

47. Vyanzo vya fedha.
48. Taarifa za mwaka na mahesabu.
49. Uwasilishwaji wa taarifa ya fedha ya mwaka.
50. Usimamizi na udhibiti wa fedha.
51. Bajeti ya mwaka na bajeti ya nyongeza.
52. Misingi ya uendeshaji.
53. Mamlaka ya kuwekeza.

SEHEMU YA SABA
MAKOSA NA ADHABU

54. Makosa ya kutoa huduma kinyume cha sheria.
55. Kosa la kusajiliwa kinyume cha Sheria.
56. Adhabu za jumla kwa baadhi ya makosa.
57. Adhabu kwa kutoa utambulisho wa uongo au kutoa huduma kinyume cha sheria.
58. Adhabu kwa kuajiri mtu asiye na leseni halali.

SEHEMU YA NANE
MASHARTI YA JUMLA

59. Kufuata Kanuni za Maadili.
60. Sifa za ziada.
61. Mabadiliko ya anwani.
62. Kubakizwa kwenye Rejista, Orodha au Listi.
63. Utambuzi wa makubaliano ya pamoja.
64. Maombi ya marejeo.
65. Uchapishaji wa wataalam waliosajiliwa, kuandikishwa au kuorodheshwa.
66. Mamlaka ya kutengeneza Kanuni.
67. Kufutwa kwa sheria.

JEDWALI

TAARIFA

Muswada huu utakaowasilishwa Bungeni unachapishwa kwa ajili ya kutoa taarifa kwa umma ukiwa pamoja na maelezo yake ya madhumuni na sababu.

Dar es Salaam,
19 Oktoba, 2016

JOHN W.H KIJAZI
Katibu wa Baraza la Mawaziri

MUSWADA

wa

Sheria kwa ajili ya kusimamia taaluma ya madaktari, madaktari wa meno na wataalam wa afya shirikishi, kuanzisha Baraza la Madaktari la Tanganyika na masuala mengine yanayofanana nayo.

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

**SEHEMU YA KWANZA
MASHARTI YA AWALI**

Jina na tarehe ya
kuanza kutumika

1. Sheria hii itajulikana kama Sheria ya Madaktari, Madaktari wa Meno na wataalam wa Afya Shirikishi ya mwaka 2016, na itaanza kutumika tarehe ambayo Waziri anaweza kwa taarifa itakayochapishwa kwenye gazeti kuamua.

Matumizi

2. Sheria hii itatumika Tanzania Bara.

Tafsiri

3. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo:

“wataalam wa afya shirikishi” maana yake ni wanasaikolojia tabibu, wataalam wa mazoezi ya viungo, afya ya akili, maafisa tabibu, maafisa tabibu wasaidizi, madaktari wasaidizi, matabibu wa meno na madaktari wa meno wasaidizi na mtaalam yeyote wa afya shirikishi ambaye Waziri anaweza kumteua kwa Tangazo litakalochapishwa kwenye Gazeti;

“kamati” maana yake ni kamati iliyoundwa na Baraza chini ya kifungu cha 8;

“cheti” maana yake ni nyaraka inayotolewa kwa daktari, daktari wa meno

- au mtaalam wa afya shirikishi kwa mujibu wa masharti ya sheria hii;
- “Baraza” maana yake ni Baraza la Madaktari wa Tanganyika lililoanzishwa chini ya kifungu cha 4;
- “daktari wa meno” maana yake ni mtu aliyesajiliwa, mwenye shahada katika fani ya meno kutoka taasisi ya elimu inayotambuliwa na amepewa leseni ya kutoa huduma;
- “huduma ya meno” maana yake ni kitendo cha kutoa huduma za kinywa na meno ikiwa ni pamoja na kinga ya meno, upasuaji, kurudisha meno katika hali yake ya awali au ushauri kwa mtu, kundi la watu au taasisi;
- “Daktari” maana yake ni mtu ambaye amepata mafunzo katika fani ya udaktari wa binadamu au udaktari wa meno, katika taasisi zinazotambuliwa na ametunukiwa shahada na taasisi hiyo;
- “Msajili Msaidizi” maana yake ni Msajili Msaidizi wa Baraza aliyeteuliwa chini ya Kifungu cha 13;
- “usajili wa muda maalum” maana yake ni usajili unaotolewa kwa mgeni anayetaka kutoa huduma nchini Tanzania kwa kipindi maalum;
- “Listi” maana yake ni listi ya wataalam wa afya shirikishi inayotunzwa na Msajili;
- “mtoa huduma ya afya” maana yake ni mtu aliyesajiliwa, mwenye shahada ya udaktari au udaktari wa meno kutoka chuo kinachotambuliwa na Baraza;
- “Waziri” maana yake ni Waziri mwenye dhamana na masuala yanayohusiana na afya;
- “leseni ya kutoa huduma” maana yake ni leseni inayotolewa chini ya Sheria hii inayomruhusu mtu kutoa huduma ya udaktari, udaktari wa meno na utaalam wa afya Shirikishi;
- “ukiukaji wa maadili ya taaluma” maana yake ni mwenendo kuhusu daktari, daktari wa meno na wataalam wa afya shirikishi ambao kwa sababu ya kutenda au kuacha mtoa huduma amefanya kwa kiwango cha chini kinachotarajiwa miongoni mwa wanataaluma na ushukaji wa kiwango utachukuliwa kuwa haukubaliki au kukataliwa kwenye taaluma;
- “usajili wa muda” maana yake ni usajili unaotolewa kwa daktari, daktari wa meno kwa mujibu wa masharti ya kifungu cha 25;
- “Rejista” maana yake ni daftari la madaktari na madaktari wa meno linalotunzwa na Msajili;
- “Msajili” maana yake ni Msajili wa Baraza aliyeteuliwa chini ya Kifungu cha 11;
- “Orodha” maana yake ni orodha ya wataalam wa afya shirikishi inayotunzwa na Msajili; na
- “usajili wa muda” maana yake ni usajili unaotolewa kwa daktari baada ya kumaliza mafunzo kwa vitendo.

SEHEMU YA PILI

KUANZISHWA KWA BARAZA

Kuanzishwa kwa Baraza

4.-(1) Kunaanzishwa Baraza litakaloitwa Baraza la Madaktari la Tanganyika.

(2) Baraza litakuwa ni Kampuni hodhi lenye urithi wa kudumu na litakuwa na muhuri wake.

(3) Baraza kwa kutumia jina lake linaweza:

(a) kushitaki na kushitakiwa;

(b) kumiliki na kununua au kwa namna nyingine kuchukua na kuuza mali yoyote inayohamishika na isiyohamishika;

(c) kuingia mikataba au kufanya miamala mingine;

(d) kukopa na kukopesha; na

(e) kufanya jambo lolote ambalo Kampuni inaweza kufanya.

(4) Bila kujali masharti ya kifungu cha (2) na (3), Mwanasheria Mkuu wa Serikali atakuwa na haki ya kuingilia kati katika kesi au shauri lolote lililofunguliwa dhidi ya Baraza.

(5) Pale ambapo Mwanasheria Mkuu wa Serikali anaingilia shauri lolote kwa mujibu wa kifungu kidogo cha (4), masharti ya Sheria ya Mwenendo wa Mashauri dhidi ya Serikali yatatumika kuhusiana na mwenendo wa shauri au suala kama vile shauri au suala hilo limefunguliwa dhidi ya Serikali.

(6) Kwa madhumuni ya kifungu kidogo cha (4), Baraza litakuwa na wajibu wa kumtaarifu Mwanasheria Mkuu wa Serikali kuhusu shauri lolote dhidi ya Baraza.

Sura ya 5

Wajumbe wa Baraza

5. Baraza litakuwa na wajumbe saba ambao watateuliwa na Waziri kama ifuatavyo-

(a) Mwenyekiti ambaye atateuliwa kutoka miongoni mwa madaktari, madaktari wa meno au wataalam wa afya shirikishi;

(b) mwakilishi kutoka Wizara yenye dhamana na masuala ya afya;

(c) afisa wa sheria anayewakilisha ofisi ya Mwanasheria Mkuu wa Serikali;

(d) mwakilishi kutoka chama Madaktari;

(e) mwakilishi kutoka chama cha madaktari wa meno;

(f) mwakilishi kutoka vyama vya wataalam wa afya shirikishi; na

(g) mwakilishi wa watu wenye ulemavu mwenye uzoefu ambaye anaweza kulisaidia Baraza katika kutekeleza kazi zake.

(2) Waziri katika kufanya uteuzi chini ya kifungu cha (1) atazingatia uwakilishi wa jinsia.

(3) Mtu hatateuliwa kuwa mjumbe wa Baraza kama mtu huyo-

(a) ametangazwa kufilisika;

(b) amepatikana na hatia kwa kosa la jinai na ametumikia kifungu kwa kipindi kilichozidi miezi sita;

(c) ameshindwa kutekeleza majukumu yake kama mjumbe kutokana na maradhi ya akili au mwili;

(d) amekosa sifa chini ya masharti sheria hii, kutoa huduma kama

daktari, daktari wa meno au mtaalam wa afya shirikishi.

(4) Baraza linaweza kuteua mtu mwenye uzoefu au ujuzi kutoa utaalam kwa Baraza kuhusu masuala ya ujumla au maalum lakini mtu huyo hatakuwa na haki ya kupiga kura.

(5) Masharti ya Jedwali la sheria hii yatahusu muda wa wajumbe kukaaa madarakani, taratibu na uendeshaji wa vikao vya Baraza.

(6) Waziri, anaweza kwa ushauri wa Baraza na kwa tangazo litakayochapishwa katika Gazeti la Serikali, anaweza kutofautisha, kubadilisha au kurekebisha Majedwali katika Sheria hii.

Kazi za Baraza

6. Kazi za Baraza zitakuwa ni:

- (a) kumshauri Waziri kwenye masuala yanayohusu usimamizi, utendaji na utoaji afunzo ya madaktari, madaktari wa meno na taaluma wa afya shirikishi;
- (b) kusimamia na kudhibiti mafunzo endelevu ya taaluma ya udaktari, udaktari wa meno na wataalam wa afya shirikishi;
- (c) kufanya uamgalizi wa ujumla wa maadili ya taaluma ya udaktari, udaktari wa meno na wataalam wa afya shirikishi;
- (d) kukuza na kuhakikisha maadili ya taaluma ya udaktari, udaktari meno na taaluma ya afya shirikishi yanafuatwa;
- (e) kushauri taasisi zenye dhamana ya kutoa ithibati ya mafunzo kuhusu aina ya mafunzo au programu ambazo zinatoa uzoefu na ujuzi kwa ajili ya kutoa huduma zenye ubora za madaktari, madaktari wa meno na wataalam wa afya shirikishi;
- (f) kwa kushirikiana na taasisi za ithibati, kufanya ukaguzi katika taasisi za mafunzo ya udaktari, udaktari wa meno na sayansi afya shirikishi kwa lengo kuhakiki ubora wa mafunzo yatolewayo;
- (g) kuonya, kukaripia au kutoza faini, kuwasimamisha kwa muda kutoa huduma, kuwafuta katika Rejista, Orodha na Listi majina ya watoa huduma baada ya kupatikana na hatia na kuhukumiwa kwa kosa la ukiukwaji wa maadili ya kitaaluma;
- (h) kuhakikisha utunzaji wa:
 - (i) rejista ya madaktari, daktari wa meno waliosajiliwa;
 - (ii) orodha na listi ya wataalam wa afya shirikishi;
- (i) kutangaza katika Gazeti la Serikali na tovuti rasmi ya Baraza, majina, anwani na sifa za madaktari, madaktari wa meno na waliosajiliwa pamoja na wataalam wa meno na wataalam wa afya shirikishi walioandikishwa au kuorosheshwa;
- (j) kusimamia na kudhibiti nidhamu ya madaktari, madaktari wa meno na wataalam wa afya shirikishi;
- (k) kuidhinisha vituo vya mafunzo kwa vitendo kwa madaktari na madaktari wa meno;
- (l) kufanya mahojiano kuhusu malalamiko, mashtaka au tuhuma vitendo visivyofaa dhidi ya daktari, daktari wa meno au mtaalam wa afya shirikishi aliyesajiliwa, kuandikishwa au

kuorodheshwa chini ya Sheria hii;

- (m) kushauri vyo vya mafunzo masuala yanayohusu mafunzo ya udaktari, udaktari wa meno na utaalum wa afya shirikishi;
- (n) kuidhinisha bajeti au bajeti ya nyongeza ya Baraza;
- (o) kupanga ada na tozo zitakazolipwa chini ya Sheria hii; na
- (p) kutekeleza kazi yoyote inayotakiwa kufanywa chini ya Sheria hii au sheria nyingine yoyote.

Mamlaka ya Baraza

7. Baraza litakuwa na mamlaka ya kuonya, kukaripia, kusimamisha kwa muda kutoa huduma au kumfuta katika Rejista, Orodha au Listi daktari daktari wa meno au mtaalam wa afya shirikishi yoyote, ambaye-

- (a) amepatikana na hatia kwa kuvunja maadili ya kitaalam;
- (b) amehukumiwa kosa la jinai linalohusiana na taaluma ya udaktari, daktari wa meno au utaalum wa afya shirikishi;
- (c) ameshindwa kufuata masharti yaliyowekwa ya usajili, uorodheshwaji au uandikishaji; au
- (d) amefanya jambo lolote ambalo limeshusha hadhi na uadilifu wa taaluma ya udaktari na meno kuhusiana na maadili na viwango vya taaluma kama vilivyowekwa na Baraza.

Kamati za Baraza

8.-(1) Baraza linaweza pale litakapoona inafaa katika utekelezaji wa kazi zake kuandaa Kamati kufanya kazi za Baraza kwa vigezo na masharti ambayo Baraza litaona inafaa.

(2) Kamati inaweza, katika kutekeleza kazi zake, kuteua mtu yeyote ambaye si mjumbe wa Kamati kuhudhuria kikao na kutoa ushauri wa kitaalam kama itakavyohitajika na mtu huyo aliyeteuliwa hatakuwa na haki ya kupiga kura.

(3) Kamati katika utekelezaji wa kazi zake chini ya kifungu hiki, itawajibika kwa Baraza.

Kukasimu Madaraka

9.-(1) Baraza linaweza, kwa azimio na kwa mujibu na vigezo, masharti iliyojiwekea, kukasimu kwa mjumbe yoyote wa Baraza, kamati au, mfanyakazi yeyote wa Baraza baadhi ya kazi zake, mamlaka na majukumu lililopewa au kutolewa na au chini ya Sheria hii kama litakavyoona inafaa.

(2) Ukasimishaji uliofanywa chini ya kifungu hiki, hautalizuia Baraza kutekeleza kazi, mamlaka au majukumu yaliyokasimishwa.

(3) Bila ya kujali masharti ya kifungu kidogo cha (1), Baraza halitakuwa na mamlaka ya kukasimu-

- (a) mamlaka ya nidhamu na ushauri chini ya Sheria hii;
- (b) mamlaka ya kupitisha bajeti ya mwaka, bajeti ya nyongeza na kuhakiki taarifa za hesabu; au
- (c) mamlaka yake ya kukasimu chini ya Sheria hii.

Waziri kutoa maelekezo kwa Baraza

10. Kwa kuzingatia Sheria hii, Waziri anaweza, pale itakapolazimu, kutoa maelekezo ya jumla au maalum kwa Baraza kuhusu utekelezaji wa

kazi zake chini ya Sheria hii na Baraza litatekeleza maelekezo yoyote yaliyotolewa na Waziri.

Uteuzi wa Msajili

11.-(1) Waziri atateua afisa mwandamizi ambaye ni dakatari, daktari meno au mtaalam wa afya shirikishi kutoka kwenye utumishi wa umma kuwa Msajili wa Baraza.

(2) Msajili aliyeteuliwa chini ya kifungu kidogo (1) atakuwa Afisa Mtendaji Mkuu na Katibu wa Baraza.

(3) Isipokuwa kama uteuzi wake umetenguliwa, Msajili atashika madaraka kwa kipindi cha miaka mitano na kwa kuzingatia ufanisi wake, anaweza kuteuliwa kwa kipindi kingine kimoja.

(4) Inapotokea Msajili hayupo au ameshindwa kutekeleza majukumu yake chini ya Sheria hii, Msajili Msaidizi atatekeleza kazi hizo.

(5) Itakopotokea Msajili na Msajili Msaidizi hawapo, afisa mwandamizi yeyote, atatekeleza kazi za Msajili, kwa maelekezo ya Maandishi yatakayotelewa na Mwenyekiti wa Baraza.

Kazi za Msajili

12. Kazi za Msajili, kwa kuzingatia idhini ya Baraza zitakuwa pamoja na:

- (a) kutoa vyeti vya usajili na leseni za kutoa huduma;
- (b) kuweka na kutunza Rejista, Orodha na Listi ya madaktari na daktari wa meno au wataalam wa afya shirikishi;
- (c) kufanya marekebicho na masahihisho muhimu kwenye Rejista, Orodha na Listi kuhusiana na taarifa zilizoingizwa;
- (d) kuondoa kwenye daftari la usajili, orodha au listi:
 - (i) jina la dakatri, daktari wa meno au mtaalam wa afya shirikishi yeyote lililoagizwa kuondolewa kwa mujibu wa masharti ya Sheria hii; na
 - (ii) jina la dakatri, daktari wa meno au mtaalam wa afya shirikishi aliyefariki.
- (e) kurudisha kwenye Daftari jina lolote lililotolewa kwenye la usajili, orodha au listi, kama itakavyoelekezwa na Baraza;
- (f) kufanya kazi yoyote atakayopangiwa na Baraza.

Msajili Msaidizi

13.-(1) Waziri atateua Afisa Sheria Mwandamizi kutoka miongoni mwa watumishi wa umma kuwa Msajili Msaidizi wa Baraza.

(2) Msajili Msaidizi aliyeteuliwa chini ya kifungu kidogo (1) atamsaidia Msajili katika utekelezaji wa kazi zake chini ya Sheria hii na atatekeleza kazi hizo kama itakavyoelekezwa na Baraza au Msajili

(3) Msajili Msaidizi aaliyeteuliwa chini ya kifungu cha (1) katika kutekeleza kazi zake atawajibika kwa Msajili.

(4) Pale Msajili atakapomruhusu Msajili Msaidizi kutekeleza kazi kwa niaba yake kwenye jambo lolote, rejea kuhusu “Msajili” chini ya Sheria hii itamjumuisha pia “Msajili Msaidizi”.

(5) Kazi na Mamlaka ya Msajili Msaidizi zitaainishwa katika Hati ya uteuzi au Kanuni zitakazotengenezwa chini ya Sheria hii.

Maafisa na wafanyakazi wa Baraza

14.-(1) Baraza litateua idadi ya maafisa na wafanyakazi wa Baraza katika kada mbalimbli kama itakavyohitajika.

(2) Maafisa na wafanyakazi wa Baraza katika kutekeleza kazi zao, watawajibika kwa Msajili.

Uteuzi wa afisa msimamizi

15.-(1) Baraza kupitia tangazo litakalochapishwa katika Gazeti la Serikali, linaweza kuteua daktari, daktari wa meno au mtaalam wa afya shirikishi kuwa afisa msimamizi katika ngazi ya Wilaya au Mkoa.

(2) Mtu atakayeteuliwa chini ya kifungu kidogo cha (1) atafanya kazi za usimamizi wa Madaktari, madaktari meno au wataalam wa afya shirikishi kama itakavyookuwa inafaa na kazi nyingine zozote ndani ya Wilaya au Mkoa, kama zitakavyoelekezwa na Baraza, ikijumuisha:

- (a) kufanya uchunguzi wa awali wa mashataka na malalamiko dhidi ya daktari, daktari wa meno au mtaalam wa afya shirikishi kutokana na mwenendo mbaya, kukosa sifa, kutokuwa na uwezo wa kufanya kazi, uzembe na kukosa maadili na kuwasilisha malalamiko hayo kwenye Baraza kwa ajili kuyatolea uamuzi ya mwisho;
- (b) kuwasilisha kwenye Baraza jina la daktari, daktari wa meno au mtaalam wa afya shirikishi aliyesajiliwa na ameacha kutoa huduma au kufariki; na
- (c) kukusanya ada na kufanya kazi nyingine yoyote kama itakavyoamuliwa na Baraza.

Malipo na posho

16. Wajumbe wa Baraza au Kamati, maafisa na waajiriwa wa Baraza watalipwa posho na malipo mengine kwa viwango vitakavyoelekezwa Waziri, baada ya kushauriana na kupata kibali cha Waziri mwenye dhamana na masuala ya utumishi.

Kinga

17. Bila ya kujali masharti ya sheria nyingine yoyote, hakutachukuliwa hatua yoyote au shauri lolote litakalofunguliwa dhidi ya mjumbe yeyote wa Baraza, Kamati zake, afisa au mwajiriwa yeyote kutokana na kitendo chochote au jambo alilofanya au kutaka kufanya kwa nia njema wakati wa utekelezaji wa mamlaka aliyopewa chini ya Sheria hii.

**SEHEMU YATATU
USAJILI NA UTOAJI WA LESENI KWA MADAKTARI NA
MADAKTARI WA MENO**

Aina za usajili

18.-(1) Aina za usajili wa madaktari, madaktari wa meno chini ya Sheria hii zitakuwa kama ifuatavyo:

- (a) usajili awali;
- (b) usajili wa muda;
- (c) usajili wa kudumu; na

(d) usajili wa kipindi maalum.

Utunzaji wa Rejista

19.-(1) Kwa madhumuni ya kifungu cha 18, Baraza litaanzisha na kutunza Rejista ya madaktari na madaktari wa meno wenye sifa chini ya Sheria hii.

(2) Daftari la usajili lililoanzishwa chini ya kifungu hiki litajumuisha taarifa za usajili na taarifa nyingine zozote kama itakavyoainishwa na Baraza.

Sifa za usajili

20.-(1) Mtu hatakuwa na sifa za kusajiliwa chini ya Sheria hii isipokuwa pale mtu huyo atakapoliridhisha Baraza kuwa:

(a) endapo ni daktari, au daktari wa meno, awe na shahada ya kwanza katika fani ya tiba au tiba ya meno kutoka chuo kinachotambuliwa;

(b) endapo ni mtaalam wa saikolojia ya utabibu au mtaalam wa mazoezi ya viungo, awe na Shahada ya kwanza ya saikolojia ya utabibu au mazoezi ya viungo kutoka chuo kinachotambuliwa; na

(c) taaluma na utendaji wake kwa jumla unampa sifa ya kusajiliwa kama daktari au daktari wa meno kama itakavyohitajika.

(2) Waziri, baada ya kushauriana na Baraza, atatengeneza kanuni zitakazoainisha sifa za nyongeza au mahitaji ya usajili kama itakavyoona inafaa.

Utaratibu wa usajili

21.-(1) Mtu anayetarajia kupata usajili chini ya Sehemu hii, atawasilisha maombi kwa Msajili kwa kutumia fomu maalum.

(2) Maombi chini ya kifungu kidogo cha (1) yataambatana na:

(a) nakala iliyothibitishwa au nakala ya vyeti vya taaluma za mwombaji;

(b) ada ya maombi kama ilivyoainishwa katika kanuni.

(3) Msajili baada ya kupokea maombi, atawasilisha maombi hayo pamoja na mapendekezo yake kwa Baraza kwa ajili ya kufikiriwa na uamuzi.

(4) Baraza baada kutafakari maombi ya usajili, linaweza-

(a) kuidhinisha maombi na kumwagiza Msajili kumsajili mwombaji;

(b) kukataa maombi na kumwagiza Msajili kumtaarifu mwombaji juu ya sababu za uamuzi wa Baraza .

Cheti cha usajili

22.-(1) Baada ya kumsajili mwombaji chini ya Sheria hii, Msajili atatoa cheti cha usajili mara moja kwa kila daktari, au daktari wa meno aliyesajiliwa baada ya kulipa ada.

(2) Cheti cha usajili kitakuwa na:

(a) jina kamili na anwani ya mwombaji;

(b) sifa za kitaaluma na cheo cha mwombaji; na

(c) vigezo na masharti kuhusu cheti ambacho kimetolewa.

- Matumizi ya jina **23.** Mtu aliyesajiliwa chini ya sheria hii kama daktari au daktari wa meno atastahili:
- (a) kutumia jina na cheo kuhusu daktari au daktari wa meno kulingana na cheo kilichopo katika cheti cha usajili na hataruhusiwa kutumia cheo kingine chochote zaidi ya kilichopo katika cheti cha usajili;
 - (b) kutoa huduma kama daktari au daktari wa meno na kudai, kushtaki au kurudishiwa gharama kutoka mahakama yoyote ya huduma za kitaalam, msaada, ushauri au udhurio lolote la kwenda mahakamani.
- Mafunzo kwa vitendo **24.**-(1) Mtu yeyote anayekusudia kufanya mafunzo kwa vitendo, atatuma maombi kwenye Baraza ndani ya miezi mitatu baada ya kuhitimu shahada ya kwanza, kwa ajili ya kupewa usajili wa awali.
- (2) Dakatari au daktari wa meno aliye na usajili wa awali, baada ya kusajiliwa, atatakiwa kuripoti kwenye kituo cha mafunzo kwa madhumuni ya kufanya mafunzo kwa vitendo, na iwapo atashindwa kuripoti kwenye mafunzo usajili wake wa awali unaweza kufutwa.
- Usajili wa awali **25.**-(1) Daktari au daktari wa meno mwenye usajili wa awali hataruhusiwa kufanya mafunzo kwa vitendo hadi pale Baraza litakapompatia usajili wa awali.
- (2) Utaratibu na matakwa ya usajili wa awali yatakuwa kama yatakavyoainishwa kwenye kanuni.
- (3) Mtu atakayepata usajili wa awali, baada ya kulipa ada iliyoainishwa, atapewa cheti cha usajili wa awali.
- (4) Daktari au daktari wa meno mwenye usajili wa awali atachukuliwa kuwa amesajiliwa ili kumwezesha kufanya kazi chini ya uangalizi wa daktari au daktari wa meno mwandamizi aliyesajiliwa.
- Usajili wa muda **26.**-(1) Daktari au mtaalam wa meno ambaye atakuwa amehitimu mafunzo kwa vitendo atapewa usajili wa muda baada ya kutuma maombi kwenye Baraza.
- (2) Kipindi cha usajili wa muda kilichoorejewa chini ya kifungu kidogo cha (1), kitakuwa miaka miwili ambapo daktari au daktari wa meno atafanya kazi chini ya uangalizi wa kiasi.
- Usajili wa kudumu kama daktari na daktari wameno **27.** -(1) Mtu ambaye, amehitimu mafunzo kwa vitendo na kufanya kazi kama daktari au daktari wa meno kwa muda wa miaka miwili chini ya uangalizi wa kiasi, baada ya kuwasilisha maombi kwenye Baraza, atakuwa na haki ya kupatiwa usajili wa kudumu kama mtaalam daktari au daktari wa meno.
- (2) Maombi ya usajili wa kudumu chini ya kifungu hiki yataambatana na:
- (a) nakala ya cheti cha usajili wa awali na wa muda; na

(b) taarifa nyingine zozote kama zitakazohitajika kwa madhumni hayo.

Usajili wa wageni

28.-(1) Mgeni anayekusudia kufanya kazi kama daktari au daktari wa meno chini ya Sheria hii, atawasilisha maombi kwenye Baraza pamoja na nakala za vyeti vya taaluma na taarifa nyingine zozote kama zitakavyoainishwa kwenye kanuni.

(2) Kwa mujibu wa kifungu kidogo cha (1), mgeni atastahili kupata usajili wa kipindi maalum.

(3) Muda wa usajili wa kipindi maalum utakuwa kama utakavyoainishwa kwenye Kanuni.

Usajili wa watu waliohitimu nje ya Tanzania

29.-(1) Mtu aliyehitimu nje ya Jamhuri ya Muungano wa Tanzania kama daktari au daktari wa meno atafanyiwa tathminiwa na Baraza juu ya elimu na ujuzi kabla ya kufikiriwa kupewa usajili anaoomba.

(2) Utaratibu wa tathmini uliorejewa chini ya kifungu kidogo cha (1), utakuwa kama utakavyoainishwa kwenye kanuni.

Kufuta au kusitisha cheti

30. Endapo mmiliki wa cheti atashindwa kuzingatia masharti ya yaliyowekwa kwenye cheti cha usajili kama inavyotakiwa, Baraza linaweza kwa mujibu wa masharti ya kifungu cha 31, kufuta au kusitisha cheti cha usajili alichopewa chini ya Sheria hii.

Utaratibu wa kusitisha cheti cha usajili

31.-(1) Endapo dakatari au daktari wa meno amekiuka vigezo na masharti ya usajili wake, Msajili baada ya kupokea maelekezo ya Baraza, atampatia daktari au daktari wa meno atampatia taarifa maandishi ikielezea aina ya ukiukwaji.

(2) Baada ya kupokea taarifa chini ya kifungu kidogo cha (1) daktari au daktari wa meno kama itakavyokuwa, atawasilisha utetezi wake kwa maandishi kwa Msajili kuhusu kurekebisha ukiukwaji huo.

(3) Daktari au daktari wa meno atakayeshindwa kurekebisha ukiukwaji huo ndani ya muda ulioainishwa katika taarifa au akushindwa kuwasilisha utetezi wa kuridhisha kwa Msajili, Msajili atalishauri Baraza kufuta au kusitisha cheti cha usajili.

(4) Endapo Baraza litaridhika na ushauri chini ya kifungu kidogo cha (3), litamwagiza Msajili kufuta au kusitisha cheti cha usajili.

Leseni ya kutoa huduma

32.-(1) Mtu ambaye ni daktari au daktari wa meno na anataka kutoa huduma chini ya Sheria hii, atatuma maombi kwenye Baraza kwa ajili ya leseni ya kutoa huduma.

(2) Maombi ya leseni ya kutoa huduma yaliyorejewa chini ya kifungu kidogo cha (1) yataambatana na:

(a) cheti cha usajili;

(b) ada ya usajili; na

(c) nyaraka nyingine zozote kama Baraza litakavyoona inafaa.

(3) kwa mujibu wa kifungu kidogo cha (2), Baraza linaweza:

- (a) kuidhinisha maombi na kumwagiza Msajili kutoa leseni ya kutoa huduma kwa mwombaji; au
- (b) kukataa maombi na kumwagiza Msajili kumfahamisha mwombaji juu ya sababu za uamuzi wa Baraza.

Kuhuisha leseni ya kutoa huduma

33.-(1) Leseni ya kutoa huduma iliyotolewa chini ya kifungu cha 32 itahuhuishwa baada ya kulipa ada iliyoainishwa.

(2) Leseni ya kutoa huduma, haitahuishwa mpaka pale mwombaji atakapothibitisha kuwa amefanya masomo endelevi ya taaluma ya udaktari kama itakavyoainishwa katika kanuni.

(3) Taratibu za kuhuisha leseni ya kutoa huduma itakuwa kama ilivyoainishwa katika kanuni.

SEHEMU YA NNE

UORODHESHWAJI, UANDIKISHWAJI NA UTOAJI WA LESENI KWA WATAALAM WA AFYA SHIRIKISHI

Masharti ya kuorodheshwa na kuandikishwa

34. Mtu anayetaka kutoa huduma kama mtaalam wa afya shirikishi kabla ya kutoa huduma, atapaswa kuorodheshwa au kuandikishwa na Baraza.

Sifa za kuandikishwa na kuorodheshwa

35.-(1) Mtu-

- (a) ataandikishwa na Baraza kutoa huduma kama mtaalam wa afya shirikishi iwapo mtu huyo ana stahhada ya juu au stahhada kutoka katika chuo kinachotambulika; au
- (b) ataorodheshwa na Baraza kutoa huduma kama mtaalam wa afya shirikishi iwapo mtu huyo ametunukiwa cheti kutoka chuo kinachotambuliwa na Baraza.

(2) Waziri anaweza, kwa kuzingatia mapendekezo ya Baraza na kupitia Tangazo la Serikali, kuainisha vyeti vingine au sifa zitakazomwezesha mwanataaluma kuandikishwa au kuorodheshwa chini ya Sheria hii.

Utaratibu wa kuandikishwa au kuorodheshwa

36.-(1) Mtu ambaye anakusudia kuandikishwa au kuorodheshwa kama mtaalam wa afya shirikishi, atawasilisha maombi kwa kutumia fomu maalum kwa Msajili.

(2) Fomu ya maombi chini ya kifungu kidogo cha (1) kitakuwa na taarifa kama zitakavyoamuliwa na Baraza na itaambatana na:

- (a) nakala ya iliyothibitishwa au vyeti vya muombaji vya taaluma; na
- (b) ada ya uandikishwaji au uorodheshwaji kama itakavyoainishwa na Baraza.

Utoaji wa cheti cha kuandikishwa au kuorodheshwa

37.-(1) Kwa kuzingatia maelekezo ya Baraza, na baada ya kulipa ada iliyoainishwa, Msajili atatoa cheti cha kuandikishwa au kuorodheshwa kwa kila mtaalam wa Afya shirikishi kama itakavyoelekezwa.

(2) Cheti kitakachotolewa chini ya kifungu kidogo cha (1), kitasainiwa na Mwenyekiti na Msajili, na pale kitakapohitajika kutolewa kitapokelewa kama ushahidi wa kuandikishwa au kuorodheshwa chini ya Sheria hii.

(3) Katika kutoa cheti cha kuandikishwa au kuorodheshwa kwa mtaalam wa afya shirikishi chini ya Sheria hii, Baraza litaweka masharti ya jumla au maalum yatakayozingatiwa na mwenye cheti.

(4) Endapo maombi ya kuandikishwa au kuorodheshwa hayakuridhiwa, Baraza litamwagiza Msajili kumtaarifu mwombaji kwa maamdishi kuhusu maamuzi ya Baraza na kutoa sababu.

Leseni ya kwa mtaalam wa afya shirikishi

38.-(1) Mtu aliyeandikishwa au kuorodheshwa chini ya Sheria hii na anataka kutoa huduma kama mtaalam wa afya shirikishi atatuma maombi kwenye Baraza kwa ajili ya kupata leseni.

(2) Kwa kuzingatia masharti ya kifungu kidogo cha (1), Baraza linaweza-

(a) kuidhinisha maombi na kumwagiza Msajili kutoa leseni ya kutoa huduma kwa mwombaji; au

(b) kukataa maombi na kumwagiza Msajili kumtaarifu mwombaji kuhusu sababu za uamuzi wa Baraza.

Kuhuishwa kwa leseni ya mtaalam wa afya shirikishi

39.-(1) Leseni ya kutoa huduma iliyotolewa chini ya kifungu cha 38, itapaswa kuhuishwa, baada ya kulipa ada iliyoainishwa.

(2) Utaratibu wa kuhuisha leseni ulioainishwa chini ya kifungu cha 33, utatumika sambamba na uhuishaji kama ulivyo chini ya kifungu hiki.

Msajili anaweza kuitisha taarifa za ziada

40. Msajili anaweza, ama yeye binafsi au kwa maelekezo ya Baraza, kumuomba mtoa huduma yeyote kuwasilisha kwake taarifa muhimu kuhusu sifa alizonazo.

Kufuta au kusitisha kwa muda cheti cha kuandikishwa au kuorodheshwa

41.-(1) Endapo mmiliki wa cheti cha kuandikishwa au kuorodheshwa atashindwa kuzingatia masharti yaliyowekwa kama inayotakiwa, Baraza linaweza kufuta au kusitisha kwa muda cheti cha kuandikishwa au kuorodheshwa kilichotolewa chini ya Sheria hii.

(2) Masharti ya kifungu cha 31 yatatumika kuhusu utaratibu wa kufuta au kusitisha kwa muda cheti cha kuandikishwa au kuorodheshwa chini kifungu hiki.

Kuandikishwa au kuorodheshwa kwa wageni

42.-(1) Mgeni yetote mwenye stahhada ya juu, stahhada au cheti na ambaye anataka kuorodheshwa au kuandikishwa kama mtaalam wa afya shirikishi kwa muda maalum, ataorodheshwa au kuandikishwa kwa muda.

(2) Utaratibu wa kuorodheshwa au kuandikishwa kama mgeni chini ya kifungu hiki, utainishwa katika kanuni.

SEHEMU YA TANO
MASHARTI YANAYOHUSU NIDHAMU

Usimamizi wa
utaratibu wa
malalamiko

43.-(1) Endapo daktari, daktari meno au mtaalam wa afya shirikishi atatuhumiwa kutokuwa na uwezo au sifa ya kutoa huduma, tuhuma hiyo itawasilishwa kwa Msajili ambaye naye ataiwasilisha mbele ya Baraza.

(2) Daktari, daktari wa meno au mtaalam wa afya shirikishi atachukuliwa kuwa hana sifa za kutoa huduma chini ya Sheria hii, kama mtu huyo-

- (a) amekiuka masharti ya kanuni za maadili;
- (b) hana uwezo wa kiutendaji;
- (c) amehukumiwa kufanya kosa linalohusiana na taaluma ya udaktari, udaktari wa meno na utaalum wa afya shirikishi;
- (d) ametiwa hatiani kwa kosa linalohusiana na utoaji huduma ya udaktari, daktari wa meno na mtaalam wa afya shirikishi; na
- (e) ana tatizo la kiakili na amethibitishwa hivyo na Bodi ya Madaktari Tanzania au mamlaka nyingine yoyote inayotoa leseni na kusimamia masuala ya afya katika nchi nyingine.

(3) Kwa madhumuni ya kifungu kidogo cha (2), maneno “kukosa sifa kutoa huduma” litatafsiriwa likijumuisha-

- (a) ukiukwaji wa masharti ya Sheria hii au kanuni;
- (b) kushindwa kuzingatia vigezo na masharti au mipaka ya usajili, uorodheshwaji au uandikishwaji kama daktari au daktari wa meno aliyesajiliwa, au mtaalam wa afya shirikishi kama itakavyokuwa;
- (c) kuwa na mgongano wa maslahi unaoathiri wateja na watoa huduma ya udaktari, udaktari meno au wataalam wa afya shirikishi waliosajiliwa, kuorodheshwa au kuandikishwa;
- (d) kufanya kazi pasipo kusajiliwa, kuorodheshwa au kuandikishwa au bila kuwa na leseni ya kutoa huduma;
- (e) kujaribu kutumia nambari ya cheti au mhuri wa daktari, daktari meno au mtaalam wa afya shirikishi mwingine aliyesajiliwa kama wa kwake au kujifanya daktari, daktari wa meno au mtaalam wa afya shirikishi aliyesajiliwa, kuorodheshwa au kuandikishwa;
- (f) kusaidia au kumwezesha isivyo halali mtu yeyote kutoa huduma kama daktari, daktari wa meno au mtaalam wa afya shirikishi;
- (g) kutoa taarifa au nyaraka za uongo kwa Baraza ili kupata cheti cha usajili, kuorodheshwa au kuandikishwa;
- (h) kujifanya ni daktari, daktari wa meno au mtaalam wa afya shirikishi aliyesajiliwa, kuorodheshwa au kusajiliwa au mwenye cheti cha usajili wa muda;
- (i) kumnyanyasa mteja kwa maneno, kimwili, kingono, kihisia au kwa namna nyingine yoyote;

- (j) kumshawisha mteja kubadilisha matakwa yake katika kuhusu maelekezo ya uangalizi wa afya;
- (k) kuacha kumpa huduma mteja anayehitaji huduma;
- (l) kutumia isivyo halali madawa au vifaa vingine vya mteja au mwajiri;
- (m) kushindwa kutoa taarifa za daktari, daktari wa meno au mtaalam wa afya shirikishi asiye na uwezo, mzembe au anayekiuka maadili ya kitaaluma na kuhatarisha afya ya mteja;
- (n) kushindwa kutumia busara katika kutoa taarifa za siri za mgonjwa; na
- (o) mwenendo mwingine wowote kama Baraza litakavyoona inafaa.

(4) Malalamiko yoyote chini ya kifungu hiki yataambatana na maelezo ya maandishi yatakayowasilishwa na mlalamikaji au mtu mwingine yeyote anayelalamika kwa niaba yake au mtu mwingine yeyote mwenye maslahi na kitendo kinacholalamikiwa.

(5) Bila kuathiri masharti ya kifungu kidogo cha (4), Baraza linaweza, kwa utashi wake, kuanzisha uchunguzi wa awali dhidi ya daktari, daktari wa meno au mtaalam wa afya shirikishi kama limejiridhisha kuwa taarifa lilizopokea na Baraza zinapelekea kufanyika kwa uchunguzi wa awali.

(6) Isipokuwa kwa malalamiko chini ya kifungu kidogo cha (1), hakuna uchunguzi wowote utakaoendelea isipokuwa pale mlalamikaji atakapowasilisha maelezo yake chini ya kiapo cha kisheria.

(7) Malalamiko yoyote yatakayowasilishwa kwenye Baraza yatakuwa kama yatakavyoainishwa kwenye kanuni.

Utaratibu wa uchunguzi

44.-(1) Baraza, pale litakapokuwa na maoni kuwa kuna kesi ya kujibu imeanzishwa na mlalamikaji, litaelekeza uchunguzi kufanyika.

(2) Baraza litatoa fursa kwa daktari, daktari wa meno au mtaalam wa afya shirikishi anayetuhumiwa kukiuka maadili, kufika mbele ya Baraza na anaweza kuwakilishwa mtu yeyote.

(3) Endapo daktari, daktari wa meno au mtaalam wa afya shirikishi atashindwa kufika kwenye uchunguzi wa shauri, bila sababu za msingi na Baraza limejiridhisha kuwa alipata taarifa, Baraza litaendelea na uchunguzi wa shauri dhidi ya daktari, daktari wa meno au mtaalam wa afya shirikishi kama vile mtaalam huyo alikuwepo.

(4) Baraza linaweza, baada ya kukamilika kwa uchunguzi uliotokana na masharti ya sheria hii:

- (a) kuagiza kuondolewa jina la daktari, daktari wa meno au mtaalam wa afya shirikishi katika daftari wa usajili, orodha au listi;
- (b) kuagiza daktari, daktari wa meno au mtaalam wa afya shirikishi kusita kwa muda kutoa huduma katika kipindi ambacho Baraza litaona kinafaa;
- (c) kuonya, kukaripia au kutoa onyo kali kwa daktari, daktari wa

meno au mtaalam wa afya shirikishi; au

(d) kuagiza mtaalam kulipa gharama za kuendesha uchunguzi au gharama nyingine zozote kama itakayoona inafaa.

(5) Msajili, ndani ya siku saba baada ya uamuzi wa uchunguzi, atawataarifu wahusika juu ya uamuzi wa Baraza.

(6) Baraza litakuwa na mamlaka ya kumwita shahidi yeyote na linaweza kumtaka shahidi huyo kuwasilisha nyaraka zozote kwa ajili ya uchunguzi.

Taarifa na uchapishaji wa maamuzi ya Baraza

45. Msajili, kwa kadri inavyowezekana na baada ya Baraza kukamilisha uchunguzi, atatoa taarifa ya uamuzi wa Baraza kwa Daktari, daktari wa meno au mtaalam wa afya shirikishi kuhusu shauri lililokuwa linamkabili.

Rufaa dhidi ya uamuzi wa Baraza

46. Mtu ambaye hajaridhika na uamuzi wa Baraza, ndani ya siku thelethini toka siku ya uamuzi, anaweza kuwasilisha maombi kwa ajili ya kupata uamuzi wa Mahakama kuu.

SEHEMU YA SITA MASHARTI YA FEDHA

Vyanzo vya fedha

47.-(1) Vyanzo vya fedha vya Baraza vitajumuisha-

(a) fedha zilizoidhinishwa na Bunge;

(b) fedha zozote au rasilimali ambazo zinaweza kuwa zimebainishwa au kukusanywa kutoka vyanzo vingine;

(c) mikopo iliyotolewa na Serikali au na mtu au chombo kingine chochote;

(d) ada na tozo nyingine zinazokusanywa kutokana na huduma zitolewazo chini ya Sheria hii;

(e) zawadi, misaada na michango;

(f) mapato yatokanayo na mauzo ya mali au vyanzo vingine vya mapato vinavyotambulika na Baraza; na

(g) fedha nyingine zozote zilizopokelewa, kupokelewa au zipo tayari kwa ajili ya utekelezaji wa kazi za Baraza.

(2) Ada na tozo zitaainishwa kwenye kanuni.

Taarifa za mwaka na mahesabu

48.-(1) Baraza kila mwisho wa mwaka wa fedha litaandaa taarifa ya utekelezaji ya mwaka ya shughuli zilizofanyika katika mwaka wa fedha na kuwasilisha taarifa hiyo kwa Waziri.

(2) Baraza litahakikisha taarifa ya fedha ya mwaka imeandaliwa na na kukaguliwa na Mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali ndani ya kipindi cha miezi mitatu baada ya mwisho wa mwaka wa fedha.

(3) Taarifa za fedha zitajumuisha-

(a) taarifa ya utekelezaji wa kifedha;

(b) taarifa ya hali ya fedha;

(c) taarifa ya mtiririko wa mapato na matumizi;

- (d) taarifa ya mabadiliko ya faida au hasara; na
- (e) maelezo ya ufafanuzi wa taarifa za fedha;
- (4) Matumizi yote yatakuwa kama yalivyoidhinishwa na Baraza kulingana na makadiri yaliyoidhinishwa kwa mwaka huo wa fedha.

Uwasilishwaji wa taarifa ya fedha ya mwaka

49.-(1) Baraza litawasilisha kwa Waziri taarifa ya utekelezaji majukumu yake kwa mwaka husika ndani ya miezi sita baada ya mwisho wa mwaka wa fedha na taarifa hiyo itaambatana na:

- (a) nakala ya mahesabu yaliyokaguliwa,
 - (b) nakala ya taarifa ya Mkaguzi wa hesabu; na
 - (c) taarifa nyingine yoyote kama itakavyoagizwa na Waziri.
- (2) Mapema kadri itakavyowezekana, Waziri atawasilisha Bungeni taarifa ya ukaguzi wa mahesabu na taarifa ya mwaka ya Baraza.

Usimamizi na udhibiti wa fedha

50.-(1) Baraza litatunza vitabu vya hesabu na kuweka kumbukumbu sahihi za uendeshaji kwa mujibu wa viwango vya hesabu vya kitaifa.

(2) Baraza litawezesha upatikanaji na utunzwaji wa vitabu sahihi vya hesabu na kumbukumbu zinazohusu-

- (a) mali na madeni;
- (b) stakabadhi za matumizi ya fedha na matumizi mengineyo; na
- (c) taarifa ya hali ya fedha pamoja na taarifa inayoonyesha kiundani hali ya utendaji wa fedha itakayoandaliwa kila mwaka wa fedha.

(3) Fedha na rasilimali za Baraza zitatumika kulingana madhumuni ya Sheria hii.

(4) Matumizi ya fedha za Baraza yanatakiwa kufuatiliwa na kupitiwa.

Bajeti ya mwaka na bajeti ya nyongeza

51.-(1) Katika kipindi kisichozidi mwezi mmoja, kabla ya kuanza kwa mwaka wa fedha, Baraza, litaidhinisha bajeti kwa kiasi cha fedha kinachotarajiwa kupokelewa na kutolewa katika mwaka huo wa fedha.

(2) Iwapo katika mwaka wowote wa fedha, Baraza linahitaji kugawa fedha ambayo haikutengwa au kiasi ambacho ni zaidi ya kiasi kilichotengwa kwenye bajeti ya mwaka huo, Baraza litaidhinisha bajeti ya nyongeza itakayoonesha mgawanyo huo.

(3) Bajeti ya mwaka na bajeti ya nyongeza zitakuwa kwa namna itakavyoainishwa na kuelekezwa na Waziri.

Misingi ya uendeshaji

52.-(1) Baraza-

- (a) litafungua na kuendesha vitabu vyote vya fedha, leja, jarida na vitabu vingine vya ziada vya fedha kulingana na miongozo ya kijasibu; na
- (b) litapitia na kubadili nyaraka ili kuwezesha utunzaji sahihi vitabu vya hesabu za kifedha kadiri itakavyoelekezwa na mamlaka husika.

(2) Fedha zote zitakazopokelewa zitawekwa katika akaunti ya mapato na malipo yatafanyika katika akaunti ya matumizi.

(3) Hakuna matumizi yatakayotoka katika fedha za Baraza isipokuwa kama matumizi hayo ni sehemu ya mpango wa matumizi yaliyoidhinishwa na Waziri.

Mamlaka ya kuwekeza

53. Baraza linaweza, baada ya kupata idhini ya Waziri na kwa kushauriana na Waziri mwenye dhamana na masuala ya fedha kuwekeza kiasi chochote cha fedha kwa namna ambayo itaona inafaa.

SEHEMU YA SABA MAKOSA NA ADHABU

Makosa ya kutoa huduma kinyume cha sheria

54.-(1) Mtu yeyote kwa makusudi na udanganyifu anatoa huduma kama daktari, daktari wa meno au mtaalam wa afya shirikishi, huku akijua kuwa hana sifa za kutoa huduma hiyo, anafanya kosa na akipatikana na hatia, ataadhibiwa kulipa faini isiyopungua shilingi milioni tano lakini kisichozidi milioni kumi au kutumikia kifungo kisichopungua mwaka mmoja lakini kisichozidi miaka miwili au vyote kwa pamoja.

(2) Mtu anayetoa huduma kama daktari, daktari wa meno au mtaalam wa afya shirikishi bila kusajiliwa, kuorodheshwa au kuandikishwa chini ya Sheria hii anafanya kosa, na akipatikana na hatia, ataadhibiwa kulipa faini isiyopungua shilingi milioni mbili lakini isiyozidi milioni tano au kutumikia kifungo kisichopungua miezi sita lakini kisichozidi miezi kumi na mbili au vyote kwa pamoja.

(3) Mtu anayetoa huduma kama daktari, daktari wa meno au mtaalam wa afya shirikishi au anayepokea malipo bila kuwa na leseni halali ya kutoa huduma, anafanya kosa, na akipatikana na hatia, atatatakiwa kulipa faini isiyopungua shilingi milioni moja na isiyozidi milioni mbili au kifungo kisichopungua miezi mitatu lakini kisichozidi miezi mitano au vyote kwa pamoja.

Sura ya 219

(4) Kwa nyongeza ya adhabu zilizotolewa katika kifungo hiki, mahakama au Baraza, linaweza kuagiza dawa, sumu, sindano, vifaa vya upasuaji, vifaa vya udaktari au udaktari wa meno vinavyotumiwa au kumilikiwa na mtu aliyepatikana na hatia, kushughulikiwa kwa mujibu wa Sheria ya Mamlaka ya Chakula, Dawa na Vipodozi.

Kosa la kusajiliwa kinyume cha Sheria

55. Mtu yeyote ambaye-

(a) anasaidia, anapata au kujaribu kupata usajili, uorodheshwaji au uandikishwaji au leseni ya kutoa huduma kwa;

(i) kutoa au kuwezesha kutoa maelezo ya uongo;

(ii) kutoa nyaraka za uongo au udanganyifu;

(b) anapokea fedha yoyote kutokana na kutoa huduma ya udaktari au udaktari wa meno, bila kusajiliwa, kuorodheshwa au kuandikishwa,

anafanya kosa, na endapo atapatikana na hatia, ataadhibiwa kulipa

faini isiyopungua shilingi milioni tano lakini isiyozidi shilingi milioni kumi au kutumikia kifungo kisichopungua mwaka mmoja au kisichozidi miaka miwili au vyote kwa pamoja.

Adhabu za jumla
kwa baadhi ya
makosa

56. Mtu yeyote ambaye ameitwa na Baraza na:

(a) kushindwa kufika mbele ya Baraza bila sababu zozote za msingi; au

(b) anayeshindwa kutoa waraka wowote anaotakiwa kutoa, anafanya kosa, na akipatikana na hatia, leseni yake ya kutoa huduma itafungiwa au kufutwa na Baraza.

Adhabu kwa kutoa
utambulisho wa
uongo au kutoa
huduma kwa
kutumia leseni ya
kughushi

57. Mtu yeyote ambaye, kwa makusudi anaruhusu au kutumia kwa udanganyifu, jina, cheo au taarifa yoyote inayowakilisha sifa ya kutoa huduma ya udaktari au kupata malipo kama daktari, daktari wa meno au mtaalam wa afya shirikishi; anafanya kosa, na akipatakana na hatia, atatakiwa kulipa faini isiyopungua shilingi milioni tano lakini isiyozidi milioni kumi au kutumikia kifungo kisichopungua mwaka mmoja lakini kisichozidi miaka miwili au vyote kwa pamoja.

Adhabu kwa kuajiri
mtu asiye na leseni
halali

58. Mtu anayemwajiri mtu yeyote kutoa huduma kama daktari, daktari wa meno au mtaalam wa afya shirikishi kwa hadhi ya daktari, daktari wa meno au mtaalam wa afya shirikishi aliyesajiliwa, kuandikishwa au kuorodheshwa, bila kuwa na na usajili na leseni halali ya kutoa huduma hiyo, anafanya kosa, na akipatikana na hatia, atatakiwa kulipa faini isiyopungua shilingi milioni tano lakini isiyozidi milioni kumi au kifungo kisichopungua mwaka mmoja lakini kisichozidi miaka miwili au vyote kwa pamoja.

SEHEMU YA NANE MASHARTI YA JUMLA

Kufuata Kanuni za
Maadili

59.-(1) Kutakuwepo na Kanuni za Maadili za taaluma ya Madaktari madaktari wa Meno na wataalam wa afya shirikishi ambayo itajulikana kama “Kanuni za Maadili”.

(2) Madaktari, madaktari wa Meno na wataalam wa afya shirikishi waliosajiliwa, kuandikishwa au kuorodheshwa chini ya sheria hii watatakiwa kufuata Kanuni za Maadili na ukiukwaji wowote wa masharti ya sheria hii kutapelekea “ukiukwaji wa maadili”.

Sifa za ziada

60. Mtu yeyote mwenye sifa za ziada ya alizosajiliwa, kuandikishwa au kuorodheshwa chini ya Sheria, anaweza kutuma maombi kwenye Baraza ili kutambua sifa hizo kwa namna itakavyoainishwa kwenye kanuni.

Mabadiliko ya
anwani

61. Kila daktari, daktari wa meno au mtaalam wa afya shirikishi, atamtaarifu Msajili mara moja mabadiliko yoyote ya anwani yake.

Kubakizwa kwenye Rejista, Orodha au Listi

62.-(1) Kila daktari, daktari wa meno aliyesajiliwa au mtaalam wa afya shirikishi aliyeorodheshwa au kuandikishwa na hafanyi shughuli za udaktari au utaalum wa afya atatakiwa kuendelea kuweka jina lake katika Rejista, Orodha na Listi kama itakavyokuwa kupitia uhuishaji wa kila mwaka.

(2) Maombi ya kuhuisha kuendelea kubaki kwenye daftari la usajili, orodha au listi chini ya sheria hii, yatawasilishwa kwenye Baraza kwa utaratibu maalum kabla ya cheti kilichopo kuisha muda wake na yataambatana na ada ya kuhuisha usajili.

(3) Endapo daktari, daktari wa meno au mtaalam wa afya shirikishi atashindwa kuhuisha kuendelea kubaki kwenye daftari la usajili, orodha au listi kabla ya cheti cha usajili, kuandikishwa, au kuorodheshwa, kuisha muda wake, Baraza linaweza kuhuisha usajili huo iwapo maombi yatatumumwa ndani ya miezi sita baada ya muda wa usajili kuisha.

(4) Iwapo muda wa miezi utapita bila daktari, daktari wa meno au mtaalam wa afya shirikishi aliyesajiliwa, ameshindwa kuhuisha usajili wake Baraza litasitisha kwa muda usajili kwa muda wa mwaka mmoja na iwapo daktari, daktari wa meno au mtaalam wa afya shirikishi baada ya mwaka mmoja kupita atashindwa kuhuisha usajili, Baraza litamfutia na kuondoa jina lake kwenye daftari la usajili.

Utambuzi wa makubaliano ya pamoja

63. Kutakuwa na utambuzi wa makubaliano ya pamoja wa watu waliosajiliwa kama madaktari, madaktari wa meno au wataalam wa afya shirikishi baada ya kuingia makubaliano ya utambuzi wa pamoja kati ya Baraza na mamlaka nyingine za taaluma.

Maombi ya marejeo

64.-(1) Mtu yeyote ambaye hataridhika na uamuzi wa Msajili kuhusu kusajiliwa, au kuandikishwa, kuorodheshwa anaweza, ndani ya siku thelathini toka siku ya kupokea uamuzi, kuliomba Baraza kufanya marejeo ya uamuzi huo.

(2) Baraza linaweza, baada ya kumsikiliza msajili na mtaalam, kutoa maelekezo kwa Msajili kadiri litakavyoona inafaa.

(3) Baraza linaweza kutengeneza kanuni kwa ajili ya kusimamia namna ya kusikiliza maombi ya marejeo.

Uchapishaji wa wataalam waliosajiliwa, kuandikishwa au kuorodheshwa

65. Msajili kabla ya tarehe 31 Machi kila mwaka au wakati mwingine wowote kama utakavyoelekezwa na Baraza, atatangaza majina ya watu waliosajiliwa, kuandikishwa au kuorodheshwa chini ya Sheria hii katika Gazeti la Serikali au chombo kingine cha habari.

Mamlaka ya kutengeneza Kanuni

66.-(1) Waziri, anaweza baada ya kushauriana na Baraza kutengeneza Kanuni kwa ajili ya utekelezaji wa masharti chini ya sheria hii.

(2) Bila ya kuathiri kifungu kidogo cha (1) Kanuni zitaainisha:

(a) sifa, ambazo zitakazotambuliwa ili kumwezesha mmiliki wake

kusajiliwa, kuandikishwa, kuorodheshwa na kupata leseni, chini ya sheria:

- (b) kuweka viwango vya utendaji wa kitaalam kwa madaktari, madaktari wa meno na wataalam wa afya shirikishi;
- (c) kuweka viwango vya miongozo kwa ajili ya ukaguzi na kuidhinisha vituo vya mafunzo kwa vitendo;
- (d) fomu mbalimbali zitakazotumika chini ya Sheria hii;
- (e) programu ya uendeshaji wa mafunzo kwa vitendo;
- (f) utaratibu wa kuhuisha kubaki kenye daftari la usaji na leseni za kutoa huduma;
- (g) masuala ya rufaa chini ya Sheria hii;
- (h) masuala yanayohusu ada na kiasi kinachotakiwa kulipwa chini sheria hii;
- (i) kitu chochote ambacho, kwa maoni ya Baraza, ni muhimu kwa ajili ya utekelezaji wa kazi na mamlaka ya Baraza chini ya Sheria hii.

Kufutwa kwa Sheria
Sura ya 152

67.-(1) Sheria ya Madaktari na Madaktari wa Meno imefutwa.

(2) Bila ya kujali Sheria iliyofutwa chini ya kifungu kidogo cha (1) kitu chochote au kitendo kilichofanywa au kilichotaka kufanywa chini ya sheria iliyofutwa, hakiko kinyume na masharti ya sheria hii, itachukuliwa kuwa kimefanywa au kuchukuliwa chini ya masharti ya sheria hii.

(3) Sheria zote ndogo zilizofanywa au kutolewa chini ya sheria iliyofutwa ambayo zilitumika baada ya kuanzishwa kwa sheria hii, zitachukuliwa kutungwa chini ya masharti ya sheria hii na zitaendelea kutumika mpaka pale zitakapofutwa na sheria ndogo zilizotengenezwa chini ya sheria hii.

JEDWALI

(Limetengenezwa chini ya kifungu cha 5(5))

MASHARTI KUHUSIANA NA BARAZA

Uteuzi wa
mwenyekiti
msaidizi

1. Wajumbe watachagua miongoni mwa wajumbe kuwa Mwenyekiti Msaidizi wa Baraza na mjumbe huyo aliyechaguliwa atakaa madarakani kwa kipindi cha miaka mitatu.

Kipindi cha
kukaa
madarakani

2.-(1) Mjumbe, isipokuwa kama mamlaka ya uchunguzi imetengua uteuzi wake, au kuacha kwa namna yoyote ile kuwa mjumbe, atakaa madarakani kwa kipindi cha miaka mitatu lakini anaweza kuchaguliwa tena kwa kipindi kingine kimoja.

(2) Mjumbe aliyeteuliwa kwa mujibu wa ofisi yake ataacha kuwa mjumbe baada ya kuacha kuwa madarakani kwa mujibu wa ofisi iliyomteua kwenye Baraza.

Vikao vya Baraza

3.-(1) Baraza litakutana kwa muda na wakati utakaona unafaa kwa ajili ya kufanya shughuli zake, lakini litakutana angalau mara moja kila baada

- ya miezi mitatu.
- (2) Mwenyekiti, kama hatakuwepo, Mwenyekiti Msaidizi, anaweza muda wowote kuitisha mkutano maalum wa Baraza baada ya kuombwa na wajumbe wengi.
- (3) Mwenyekiti ama kwa kama hatakuwepo Mwenyekiti Msaidizi, ataongoza katika kila kikao cha Baraza na kama wote hawapo Mwenyekiti na Mwenyekiti Msaidizi, wajumbe waliopo watachagua mjumbe kutoka miongoni mwao kuongoza kikao.
- (4) Mjumbe wa Baraza aliyeshindwa kuhudhuria vikao viwili mfululuzi kwa mwaka bila ya kutoa sababu yoyote ataacha kuwa mjumbe na nafasi iliyoacha itajazwa.
- Akidi **4.** Akidi katika kila kikao cha Baraza kitakuwa ni mbili ya tatu ya wajumbe.
- Maamuzi ya Baraza **5.** Masuala yanayopendekezwa katika kikao cha Baraza yataamuliwa na kura nyingi za wajumbe waliopo na waliopiga kura, na inapotokea kura zinalingana, mtu anayeongeza katika kikao atakuwa na kura ya turufu ikiwa ni nyongeza ya kura yake ya maamuzi aliyopiga.
- Taarifa za kikao **6.** Msajili ataweka na kutunza taarifa za shughuli zote zinazofanywa au kuendesha katika kikao na taarifa ya kila kikao cha Baraza zitasomwa na kukubalika au kurekebisha na kuthibitishwa katika kikao kinachofuata cha Baraza na kusainiwa na mtu atakayeongoza kikao na Katibu.
- Kutokuhudhuria hakutahalalisha shughuli **7.** Uhalali wa kitu chochote au shughuli yoyote ya Baraza hazitaathiriwa na kutokuwepo kwa wajumbe wowote au kwa kosa lolote la uteuzi wa yeyote kati yao.
- Baraza litaendesha shughuli zake **8.** Baraza litaendesha shughuli zake lenyewe.
- Amri na nyaraka **9.** Amri zote, maelezo, au nyaraka nyingine zilizotolewa kwa niaba ya Baraza zitasainiwa na:
(a) Mwenyekiti; au
(b) msajili wa Baaraza aliyeidhinishwa kwa maandishi kwa niaba ya Baraza.
- Mhuri wa Baraza **10.**-(1) Baraza litakuwa na mhuri utakaowekwa na kutunzwa chini ya uangalizi wa Msajili.
(2) Kuwekaji wa mhuri wa Baraza kwenye nyaraka yoyote utathibitishwa na saini ya Mwenyekiti au Msajili.
(3) Nyaraka yoyote itakayodaiwa kutolewa na Baraza na kuthibitishwa kwa namna iliyotolewa chini ya aya ndogo (2) itachukuliwa kuwa ni hati halali.

Dar es Salaam,
13 Oktoba, 2016

UMMY A. MWALIMU
*Waziri wa Afya, Maendeleo ya Jamii,
Jinsia, Wazee na Watoto*