

Zambia

Medical and Allied Professions Act, 1977

Chapter 297

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Medical and Allied Professions Act, 1977

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Zambia

Medical and Allied Professions Act, 1977

Chapter 297

Commenced on 1 March 1978

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[Repealed by [Health Professions Act, 2009 \(Act 24 of 2009\)](#) on 14 May 2010]

[22 of 1977; 13 of 1994]

An Act to provide for the regulation of medical, paramedical, dental and allied professions; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Medical and Allied Professions Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"**additional qualification**" means a degree, diploma or certificate prescribed under section twenty-one as an additional qualification for the purposes of any particular register;

"**Chairman**" means the Chairman of the Council;

"**Council**" means the Medical Council of Zambia established by section three;

"**Executive Committee**", "Examinations Committee", "Disciplinary Committee" and "Paramedical Professions Committee" mean respectively the Executive Committee, Examinations Committee, Disciplinary Committee and Paramedical Professions Committee of the Council;

"**party**", in relation to proceedings before the Disciplinary Committee, means any person to whose registration the proceedings relate or any person on whose complaint the proceedings are brought, or the advocate of the Council;

"**paramedical profession**" means any profession the members whereof are required to be registered in any register maintained under subsection (2) or (3) of section sixteen;

"**primary qualification**" means a degree, diploma or certificate prescribed under section seventeen as a primary qualification for the purposes of registration on any particular register of fully registered persons;

"**profession**" includes calling;

"**registered**" means a register maintained under this Act;

"**registered**" means registered under this Act;

"**registrar**" means the registrar to the Council;

"**registration certificate**" means a registration certificate issued under subsection (2) of section twenty-two;

"**Vice-Chairman**" means the Vice-Chairman of the Council.

- (2) Any reference in this Act to the erasure from or the restoration to a register of the name of a person shall be construed as including a reference to the erasure from or the restoration to that register of any other registrable particulars relating to that person.

Part II – Medical Council of Zambia

3. Establishment of Medical Council of Zambia

There is hereby established a council to be styled the Medical Council of Zambia, which shall be a body corporate having perpetual succession and a common seal and shall, under that name, be capable of suing and being sued and of purchasing or otherwise acquiring, holding and alienating movable or immovable property and, subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

4. Composition of Council

- (1) The Council shall consist of seventeen members and shall be composed of—
- (a) the Director of Medical Services;
 - (b) the Dean of the School of Medicine at the University of Zambia;
 - (c) the Chief Nursing Officer;
 - (d) eleven representative members, of whom—
 - (i) four shall be fully registered medical practitioners appointed by the Minister after consultation with the medical profession;
 - (ii) two shall be fully registered dental surgeons appointed by the Minister after consultation with the dental profession;
 - (iii) two shall be fully registered pharmacists appointed by the Minister after consultation with the pharmaceutical profession;
 - (iv) three shall be fully registered members of the paramedical professions appointed by the Minister after consultation with the paramedical professions;
 - (e) one legal member appointed by the Minister who shall be an advocate of the High Court; and
 - (f) two other members appointed by the Minister from amongst members of the public who have distinguished themselves in public service.
- (2) For the purpose of consulting with a profession concerning the appointment of a representative member of the Council, the Minister shall consult every association of persons representing members of that profession and may, in such manner as he thinks fit, obtain the views of members of the profession not represented by any such association.

5. Disqualification of members of Council

A person shall not be eligible to be appointed as a member of the Council, if—

- (a) he is, under any written law, adjudged or otherwise declared to be of unsound mind; or
- (b) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any enactment in force in Zambia; or
- (c) he has been convicted by any court in Zambia of an offence under this Act or under any written law relating to medicines, pharmacy, poisons or dangerous drugs.

6. Tenure of office of members of Council

A member of the Council appointed by the Minister shall, subject to the provisions of this Act, hold office for a period of three years.

7. Vacation of office by members of Council and filling of vacancies

- (1) The office of a member of the Council appointed by the Minister shall become vacant—
 - (a) if the holder of the office dies or resigns from his office by notice in writing addressed to the Minister; or
 - (b) if any circumstances arise that, if the holder of the office were not a member of the Council, would disqualify him for appointment as such; or
 - (c) if the holder of the office is disqualified under this Act from practising his profession; or
 - (d) if the holder of the office is, without the leave of the Council, absent from three consecutive meetings of the Council.
- (2) Whenever the office of a member of the Council becomes vacant in accordance with the provisions of subsection (1), the Minister shall appoint a person to fill the vacancy in the same way as the member whose office has become vacant was appointed and that person shall, subject to the provisions of this Act, hold office for the remainder of the period during which the member whose place he fills would, but for his office becoming vacant, have continued in office.
- (3) If a member of the Council appointed by the Minister is granted leave of absence by the Council, the Council may, if it thinks fit, fill the vacancy during his absence by co-opting to the Council a person who is a member of the same profession, if any, as the member whose place he fills.

8. Chairman and Vice-Chairman

- (1) There shall be a Chairman and a Vice-Chairman of the Council, who shall be elected by the Council from amongst the members of the Council, whenever the office of Chairman or Vice-Chairman, as the case may be, is vacant.
- (2) The Chairman and the Vice-Chairman shall, subject to the provisions of this section, hold office for a period of three years.
- (3) The office of the Chairman or the Vice-Chairman shall become vacant—
 - (a) if the holder of the office dies or resigns from his office by notice in writing addressed to the registrar; or
 - (b) if the holder of the office ceases to be a member of the Council; or
 - (c) in the case of the office of Vice-Chairman, if the holder of the office is elected to the office of Chairman.
- (4) Whenever the office of Chairman is vacant or the Chairman is absent or is for any other cause prevented from or incapable of discharging the functions of his office, the Vice-Chairman shall discharge the functions of the Chairman.

9. Meetings and proceedings of Council

- (1) Subject to the other provisions of this Act, the Council shall meet for the despatch of business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit:

Provided that the Council shall meet not less than once in each year.

- (2) The Chairman may cause a special meeting of the Council to be convened at any time and shall cause such a meeting to be convened if not less than five members of the Council sign a request in writing for such special meeting and such written request states clearly the purposes for which the meeting is to be convened.
- (3) At any meeting of the Council, eight members of whom—
 - (a) not less than two shall be medical practitioners;
 - (b) not less than one shall be a pharmacist or a dental surgeon; and
 - (c) not less than one shall be a member of the paramedical profession;shall form a quorum.
- (4) There shall preside at any meeting of the Council—
 - (a) the Chairman; or
 - (b) in the absence of the Chairman, the Vice-Chairman; or
 - (c) in the absence of both the Chairman and the Vice-Chairman, such other member of the Council as the Council may elect for that meeting.
- (5) Any question proposed for decision by the Council shall be determined by a majority of the votes of the members present and voting at a meeting of the Council.
- (6) At all meetings of the Council, each member present shall have one vote on a question proposed for decision by the Council and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.
- (7) The Council shall cause minutes to be kept of the proceedings at every meeting of the Council and such minutes shall, except in so far as the Council otherwise determines, be open to inspection at all reasonable times at the office of the Council by any registered person.

10. Establishment and proceedings of committees

- (1) There shall be standing committees of the Council styled the Executive Committee, the Paramedical Professions Committee and the Examinations Committee.
- (2) The Executive Committee shall consist of—
 - (a) the Chairman, who shall be the chairman of the committee;
 - (b) the Vice-Chairman, who shall be the vice-chairman of the committee;
 - (c) the legal member of the Council; and
 - (d) five other members of the Council appointed by the Council, of whom two shall be medical practitioners, one a dental surgeon, one a pharmacist, and one a member of the paramedical professions.
- (3) The Paramedical Professions Committee shall consist of—
 - (a) the three members of the Council who are members of the paramedical professions; and
 - (b) one member to represent each paramedical profession, who shall be appointed by the Council after consultation with such profession.
- (4) The Examinations Committee shall consist of a chairman and such number of other members appointed by the Council as the Council may determine, being persons who are members of the Council or fully registered persons.
- (5) The Council may establish such occasional committees of the Council as it thinks fit, consisting of a chairman and such number of other members appointed by the Council as the Council may

determine, being persons who are members of the Council or fully registered persons, and may abolish any such committee.

- (6) A person shall cease to be a member of a committee established by or under this section—
 - (a) if any circumstances arise that, if he were not a member of the committee, would disqualify him from appointment as such;
 - (b) in the case of a person who is a member of the committee by virtue of his office, if he ceases to hold such office;
 - (c) in the case of a person who is a member of the committee by virtue of his appointment by the Council—
 - (i) if he resigns from the committee by notice in writing addressed to the Chairman; or
 - (ii) if his appointment is revoked by the Council.
- (7) Meetings of a committee established by or under this section shall be held as required and may be adjourned from time to time and from place to place:

Provided that meetings of the Executive Committee shall be held not less than once in every three months.
- (8) At any meeting of the Executive Committee, four members, of whom two shall be medical practitioners, shall form a quorum; and at any meeting of any other committee established by or under this section, a majority by number of members shall form a quorum.
- (9) There shall preside at any meeting of a committee established by or under this section—
 - (a) the chairman of the committee; or
 - (b) in the absence of the chairman of the committee, the vice-chairman of the committee, or if there is no vice-chairman or the vice-chairman is absent, such other member of the committee as the committee may elect for that meeting.
- (10) Any question proposed for decision by a committee established by or under this section shall be determined by the votes of the members present and voting at a meeting of the committee.
- (11) At all meetings of a committee established by or under this section, each member present shall have one vote on a question proposed for decision by the committee and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

11. Functions of committees

- (1) The Executive Committee shall discharge—
 - (a) such of the functions of the Council as may be delegated to it under this section; and
 - (b) such functions as may be assigned to it under section fifty-nine.
- (2) The Paramedical Professions Committee may, if it thinks fit, report to the Council on any matters relating to the paramedical professions and professions which may be included in the paramedical professions, and shall report to the Council on any such matters as may be referred to it by the Council.
- (3) The Examinations Committee shall—
 - (a) discharge such functions as may be assigned to it under section thirty-three;
 - (b) report to the Council on such matters with respect to which rules may be made under section thirty-three as may be referred to it by the Council.

- (4) Any occasional committee established under subsection (5) of section ten shall report to the Council on such matters as may be referred to it by the Council.
- (5) The Council may delegate, either absolutely or conditionally, to the Executive Committee the power to discharge on behalf of the Council any function of the Council other than the power of—
 - (a) appointing members of the Executive Committee; or
 - (b) making rules or concurring in making regulations under this Act.
- (6) The Council may withdraw or alter any delegation to the Executive Committee, but no such withdrawal or alteration shall affect anything done in pursuance of a decision lawfully made by the Executive Committee.
- (7) A delegation by the Council shall not prevent the discharge by the Council of any function.

12. Registrar and staff of Council

- (1) There shall be a registrar to the Council, who shall be appointed by the Council.
- (2) The registrar shall, in addition to his other functions under this Act, be the secretary to the Council and to all committees thereof and shall, on the instructions of the Chairman or chairman of any committee, convene and keep minutes of the proceedings at all meetings of the Council and of such committee, as the case may be.
- (3) The Council may, whenever the registrar is absent or is for any other cause prevented from or incapable of discharging the functions of his office, appoint an acting registrar to discharge those functions and may appoint such other employees of the Council as it thinks fit.
- (4) The registrar, any acting registrar or other employee of the Council shall hold office on such conditions as the Council, with the approval of the Minister, may determine.

13. Office of Council

The office of the Council shall be at Lusaka, but this provision shall not prevent the holding of meetings of the Council or of any committee thereof at any other place.

14. Funds of Council

The funds of the Council shall consist of—

- (a) all fees and other moneys payable to the Council in pursuance of this Act;
 - (b) such moneys as may be payable to the Council out of moneys appropriated by Parliament; and
 - (c) such other moneys and assets as may vest in or accrue to the Council, whether in the course of the discharge of its functions or otherwise.
- (2) There shall be paid from the funds of the Council—
- (a) the remuneration and allowances of the registrar and of any other employees of the Council; and
 - (b) such reasonable travelling, transport and subsistence expenses of members of the Council when engaged on the business of the Council as the Council may determine; and
 - (c) any other expenses incurred by the Council in the discharge of its functions.

[Please note: numbering as in original.]

15. Accounts and audit

- (1) The financial year of the Council shall be the period of twelve months ending on the 31st December in each year.
- (2) The Council shall cause proper accounts to be kept of its income and expenditure for each financial year.
- (3) The accounts of the Council for each financial year shall be audited by the Auditor-General and, for that purpose, the Auditor-General and any other officer authorised by him shall have access to all books and other records relating to the accounts of the Council.
- (4) The Auditor-General shall, not later than twelve months after the end of each financial year, submit a report on the accounts of the Council for that financial year to the Council and to the Minister and the Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of such report, lay it before the National Assembly.
- (5) In the exercise of his functions under this section, the Auditor-General shall not be subject to the direction or control of any other person or authority.

Part III – Registration

16. Establishment of registers

- (1) The Council shall cause to be prepared and maintained registers of—
 - (a) fully registered medical practitioners, dental surgeons and pharmacists;
 - (b) provisionally registered medical practitioners;
 - (c) temporarily registered medical practitioners, dental surgeons and pharmacists.
- (2) The Council shall cause to be prepared and maintained registers of fully registered and temporarily registered—
 - (a) health inspectors;
 - (b) opticians, optometrists and dispensing opticians;
 - (c) physiotherapists;
 - (d) occupational therapists;
 - (e) radiographers;
 - (f) medical laboratory technicians;
 - (g) medical laboratory assistants;
 - (h) dental technicians;
 - (i) medical assistants;
 - (j) dental auxiliaries;
 - (k) health assistants;
 - (l) X-ray assistants; and
 - (m) pharmacy technicians.
- (3) The Council may, with the approval of the Minister, establish and cause to be prepared and maintained registers for full as well as temporary registration of any other classes of persons who

have acquired special training and knowledge in matters relating to the treatment or prevention of physical or mental defects or diseases in man.

- (4) In a register there shall be entered the name, address, qualifications and such other particulars, if any, relating to a registered person as may be prescribed under section twenty-nine.

17. Regulations prescribing primary qualifications

The Minister may, after consultation with the Council, by statutory instrument, make regulations prescribing the degrees, diplomas or certificates granted after examination by the University of Zambia or any medical school, dental school, pharmaceutical society or other examining authority in Zambia, which when held singly or jointly with any other degree, diploma or certificate and after compliance by the holder with such other requirements, if any, as may be prescribed, shall be primary qualifications for the purposes of registration on any particular register of fully registered persons.

18. Provisional registrational of medical practitioners

- (1) A person who has obtained from the University of Zambia or any medical school in Zambia a degree, diploma or certificate qualifying him to practise medicine or any medical qualifications from a University or other institution outside Zambia declared by the Council to be registrable qualifications shall, on showing to the satisfaction of the registrar that he has been selected for such employment in Zambia as is mentioned in subsection (1) (a) of section twenty, be entitled to be registered on the register of provisionally registered medical practitioners.
- (2) A person registered on the register of provisionally registered medical practitioners shall be deemed to be a registered medical practitioner so far as is necessary—
- (a) to enable him to be engaged in such employment in Zambia as is mentioned in subsection (1) (a) of section twenty; and
 - (b) for the purposes of such provisions of any written law, or such other purposes, as the Minister may by order prescribe;
- but not further.
- (3) No person shall continue to be registered on the register of provisionally registered medical practitioners for a period of more than two years or for more than three months after he has ceased to be engaged in such employment as is mentioned in subsection (1) (a) of section twenty.

19. Temporary registration

- (1) Subject to the other provisions of this Act and any regulations made thereunder, any person who does not hold primary qualifications for registration on a particular register of fully registered persons may be registered on the appropriate register of temporarily registered persons—
- (a) if he holds such qualifications as are declared by the Council or by any authority designated by the Council to be registrable qualifications with reference to that register;
 - (b) if he shows to the satisfaction of the prescribed authority by producing the most recent certificate of completion of internship or training or other testimonials, as may be applicable, granted by the competent authorities in the country in which he completed his internship or training or last practised his profession, or duly certified copies thereof, that he is entitled to practise such profession in that country; and
 - (c) if he shows to the satisfaction of the prescribed authority that he possesses sufficient knowledge of the English language so as to be able conveniently to discharge the obligations of his profession in Zambia.
- (2) No person shall remain registered on a register of temporarily registered persons for more than two years.

- (3) Where the services of any such persons as are required to be registered under this Act are obtained under an international agreement or by arrangement with the government of any other country, the Minister may, notwithstanding the provisions of subsection (1), direct that such persons shall be registered on the appropriate registers of temporarily registered persons.

20. Full registration

- (1) Subject to the other provisions of this Act and any regulations made thereunder, a person who is registered on the register of provisionally registered medical practitioners shall be entitled to be registered on the register of fully registered medical practitioners, if he—
 - (a) has been engaged for a period of not less than twelve months in the capacity of a resident medical officer in one or more hospitals or institutions in Zambia approved by the Council for that purpose, and produces to the prescribed authority a certificate to that effect by the medical officer-in-charge of such hospital or institution; and
 - (b) shows to the satisfaction of the prescribed authority that he is of good character.
- (2) Subject to the other provisions of this Act and any regulations made thereunder, a person who is registered on any register of temporarily registered persons shall be entitled to be registered on the corresponding register of fully registered persons, if he—
 - (a) has served for a period of not less than twelve months in one or more hospitals, institutions or consulting rooms in Zambia approved by the Council for that purpose; and
 - (b) produces to the prescribed authority in the case of a private medical practitioner a certificate from the Director of Medical Services, and in other cases, a certificate from the officer-in-charge of such hospital, institution or consulting room or such other authority thereof as the Council may determine that he is a fit and proper person to be registered on the corresponding register of fully registered persons.
- (3) Subject to the other provisions of this Act and any regulations made thereunder, a person who holds primary qualifications for registration on a particular register of fully registered persons, other than the register of fully registered medical practitioners, shall be entitled to be registered on that register, if he shows to the satisfaction of the prescribed authority that he—
 - (a) has complied with such other requirements as may be prescribed; and
 - (b) is of good character.

21. Additional qualifications and additional primary qualifications

- (1) The Minister may, after consultation with the Council, by statutory instrument, make regulations prescribing the degrees, diplomas or certificates which shall be additional qualifications for the purposes of any particular register.
- (2) A person holding a degree, diploma or certificate prescribed under subsection (1) as an additional qualification for the purposes of a register shall, if registered on that register, or on becoming so registered, be entitled to have the degree, diploma or certificate entered on that register in addition to any primary qualification so entered.
- (3) A person registered on any register who has acquired a primary qualification in addition to the primary qualification by virtue of which he was so registered shall be entitled to have it entered on that register in addition thereto.
- (4) Save as provided by this section, no person shall be entitled to have any qualification other than the primary qualification by virtue of which he is registered entered on any register.

22. Procedure of registration

- (1) Any right to registration conferred by or under this Act shall be conditional on—
 - (a) the making of an application to the registrar in the manner and form, and supported by the information and documents, prescribed under section twenty-nine; and
 - (b) the payment of the registration fees required by section twenty-four.
- (2) On the registration of a person on any register, the registrar shall issue to the registered person a registration certificate in the form prescribed under section twenty-nine.

23. Appeal against refusal of registration

- (1) If a person seeking registration on any register is refused such registration, the registrar shall, if required to do so, state in writing the reason for the refusal and the person refused registration may appeal to the High Court.
- (2) On any appeal under this section, the Council shall be the respondent.
- (3) The High Court may, on any appeal under this section—
 - (a) dismiss the appeal;
 - (b) direct that the appellant is to be treated as having proved or shown any of the matters in question;
 - (c) remit the case to the registrar for further consideration;
 - (d) make such other order as to costs or otherwise as may to it seem just.
- (4) The Chief Justice may, by statutory instrument, make rules regulating appeals to the High Court under this section.

24. Prescribed fees

- (1) There shall be payable to the Council by any person—
 - (a) on becoming registered on any register;
 - (b) on having an additional qualification (not being a primary qualification) entered on any register;such registration fees as the Council may, with the consent of the Minister, prescribe.
- (2) On or before the 31st December in each year, there shall be payable to the Council by any person who on the preceding 1st July was registered on any register of fully registered persons, such annual fees as the Council may, with the consent of the Minister, prescribe.

25. Erasures from registers

- (1) The registrar may, by letter sent by registered post addressed to any registered person at his address on the register, inquire whether he has ceased to practise or has changed his address; and if no answer is returned to any such letter within the period of six months from its being sent, the name of the said person may be erased from the register.
- (2) If any fully registered person fails to pay to the Council the amount of any annual fee payable by him under section twenty-four, his name may be erased from the register.
- (3) The Council may, at the request of a registered person and on being satisfied that no disciplinary or criminal proceedings are or are likely to be taken against him, direct the erasure of his name from the register.

- (4) A person may be registered in pursuance of any provision of this Act notwithstanding that his name has been erased from a register under this section.

26. Custody and keeping of registers

- (1) The registers shall be kept in the custody of the registrar at the office of the Council.
- (2) It shall be the duty of the registrar to prepare and maintain the registers correctly and in accordance with the provisions of this Act and any directions given under this Act, to erase the names of persons who have died, and from time to time to make the necessary alterations in the addresses, qualifications or other particulars relating to registered persons.
- (3) For the purposes of subsection (2), it shall be the duty of every registered person who changes his address to notify the fact to the registrar within one month after the change.

27. Publication of registers

- (1) The registrar shall from time to time, under the authority of the Council, cause copies of the registers or of supplementary lists showing all alterations, additions or erasures made since the last publication of the complete registers, to be printed and published.
- (2) Copies of the registers shall be printed and published in such form as the Council may direct.

28. Registers to be evidence

- (1) Subject to the provisions of subsection (2), a copy of the last published issue of a copy of a register or of any supplementary list purporting to be printed and published under the authority of the Council shall be *prima facie* evidence in all legal proceedings of the facts therein recorded, and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered in accordance with the provisions of this Act.
- (2) Where a person has been registered on a register after the date of the last published issue of a copy of that register, a copy of the entries on the register relating to that person, certified under the hand of the registrar, shall be evidence that such person is registered in accordance with the provisions of this Act.

29. Rules relating to registration

- (1) The Council may, by statutory instrument, make rules for regulating the registers and, in particular, as to—
 - (a) the manner and form in which applications for registration shall be made, and the information and documents to be submitted in support of such applications;
 - (b) the form of the registers and the particulars to be entered therein;
 - (c) the form of the certificate of registration;
 - (d) the issue of duplicates and certified copies of certificates of registration, the issue of certified copies of entries on the registers, the issue of certificates by the registrar, and the fees payable to the Council therefor;
 - (e) the erasure from a register of provisionally or temporarily registered persons of the names of persons who become registered on a register of fully registered persons or who cease to be entitled to be registered on the register of provisionally or temporarily registered persons.
- (2) Rules under this section may make different provision with respect to different registers.

30. Offences relating to registration

Any person who—

- (a) makes or causes to be made an unauthorised entry, alteration or erasure in a register or in a certified copy of an entry on a register or in a certificate under the hand of the registrar; or
- (b) procures or attempts to procure for himself or any other person registration of any matter by means of fraud, a false representation or the concealment of a material fact; or
- (c) forges or utters, knowing the same to be forged, any document purporting to be a registration certificate, a certified copy of an entry on a register or a certificate under the hand of the registrar; or
- (d) impersonates a registered person;

shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units.

[As amended by Act [No. 13 of 1994](#)]

Part IV – Training

31. Power of Council to consider matters relating to training

- (1) The Council may consider and, if it thinks fit, report to the Minister upon all matters relating to professional and technical training and other qualifications required for admission to the profession of any class of persons for whom a register is maintained under this Act or for whom the Council is empowered to establish a register under this Act, and the conditions of practice after registration.
- (2) The Minister may require the Council to advise him on any matter referred to in subsection (1).

32. Diplomas and certificates of competency

- (1) The Council may institute diplomas and certificates of competency for any class of persons (other than medical practitioners, dental surgeons or pharmacists) for whom a register is maintained under this Act.
- (2) The Council may issue diplomas or certificates instituted under this section to persons who have qualified therefor in accordance with rules made under section thirty-three.
- (3) The registrar shall keep lists of all persons to whom a diploma or certificate instituted under this section has been issued.
- (4) A diploma or certificate instituted under this section may be prescribed under section seventeen as a primary qualification for the purposes of registration on a register of fully registered persons.

33. Rules relating to training

The Council may, by statutory instrument, make rules as to—

- (a) the form of diplomas and certificates of competency instituted by the Council;
- (b) the issue of duplicates and certified copies of diplomas and certificates of competency issued by the Council and the fees payable to the Council therefor;
- (c) the requirements to be fulfilled by persons as a condition of the issue of a diploma or certificate of competency to them, including the training and courses of instruction to be undergone and the examinations to be passed, and exemptions from the fulfilment of such requirements;
- (d) the institutions and other places at which the training and courses of instruction referred to in paragraph (c) shall be undergone, the age and standards of education and character required to

qualify persons to undergo such training and courses of instruction and the supervision of persons undergoing such training and courses of instruction;

- (e) the holding of examinations referred to in paragraph (c) including—
 - (i) the appointment and remuneration of examiners, moderators and invigilators;
 - (ii) the entry and disqualification of candidates for examination;
 - (iii) the fees payable to the Council by candidates for examination; and
 - (iv) the publication of the results of examinations;
- (f) the functions of the Examinations Committee; and
- (g) any other matters of administration not requiring approval of the Minister.

Part V – Privileges of registered persons and offences by unregistered persons

34. Recovery of fees

No remuneration shall be recoverable by legal proceedings in respect of any act pertaining to the profession of a registered person when performed by a person who is prohibited from performing such act for gain.

35. ***

[Repealed by S.I. No. 120 of 1988.]

36. Certificates invalid if given by unregistered persons

A certificate required by any written law from a medical practitioner or dental surgeon shall not be valid unless the person signing it is a registered medical practitioner or registered dental surgeon, as the case may be.

37. Appointments not to be held by unregistered persons

- (1) Subject to the other provisions of this Act, no person, not being registered on the appropriate register, shall be entitled to hold any appointment in the public service or in any public or private establishment, consulting room, nursing home, body or institution, if the holding of such appointment involves the performance by him in Zambia of any act which it is unlawful for any person not so registered to perform for gain.
- (2) Nothing in this section or in any other provisions of this Part shall prevent a person holding an appointment referred to in subsection (1) while he is undergoing training for the purpose of becoming qualified for registration under this Act under the supervision of persons who are registered on the appropriate register.

38. Prohibition of practising as medical practitioner when unregistered

Subject to the other provisions of this Act, any person, not being a registered medical practitioner, who—

- (a) for gain, practices as a medical practitioner or performs any act specially pertaining to the profession of a medical practitioner; or
- (b) pretends, or by any means whatsoever holds himself out, to be a medical practitioner, or uses the name of medical practitioner, or any name, title, description or symbol indicating or calculated

to lead persons to infer that he possesses a qualification as a medical practitioner or that he is a registered medical practitioner;

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand penalty units.

[As amended by Act No. 13 of 1994]

39. Prohibition of practising as dental surgeon when unregistered

- (1) Subject to the other provisions of this Act, any person, not being a registered dental surgeon, who—
- (a) for gain, practises as a dental surgeon or performs or undertakes to perform any act specially pertaining to the practice of dental surgery; or
 - (b) pretends, or by any means whatsoever holds himself out, to be a dental surgeon or to be entitled to practise dental surgery or to perform any act specially pertaining to the practice of dental surgery or uses the name of dental surgeon or dentist or any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses a qualification as a dental surgeon or that he is a registered dental surgeon;

shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand penalty units:

Provided that nothing in this section shall prevent a registered dental assistant or dental technician from performing the duties normally performed by him.

- (2) For the purposes of this Act, the practice of dental surgery means the performance of any such operation or any such treatment, advice or attendance as is usually performed or given by a dental surgeon, or any operation, treatment, advice or attendance preparatory to or for the purpose of or in connection with the fitting, insertion or fixing of artificial dentures or other similar dental appliances.
- (3) Nothing in this section shall prevent—
- (a) the carrying on by a body corporate of the business of dental surgery if—
 - (i) it carries on no business other than dental surgery or some business ancillary to the business of dental surgery; and
 - (ii) a majority of the directors and all the operating staff thereof are registered dental surgeons; or
 - (b) the practice of dental surgery by a registered medical practitioner in the ordinary course of his practice or in any case where the services of a registered dental surgeon are not available; or
 - (c) the extraction of a tooth by any person where the case is urgent and the services of a registered medical practitioner or registered dental surgeon are not available; or
 - (d) the making, repairing or alteration for gain of artificial dentures, restorative dental appliances or other similar dental appliances by a technician if such work is performed by the dental technician in collaboration with and on the instructions of a registered dental surgeon and does not involve the performance by any person other than a registered dental surgeon of any operation in the mouth of a person.

[As amended by Act No. 13 of 1994]

40. Prohibition of falsely professing to be registered pharmacist

Any person who, not being a registered pharmacist, pretends, or by any means whatsoever holds himself out, to be a pharmacist, or uses any name, title, description or symbol indicating or calculated to lead

persons to infer that he possesses a qualification as a pharmacist or that he is a registered pharmacist, shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand penalty units.

[As amended by Act [No. 13 of 1994](#)]

41. Prohibition of falsely professing to be registered person

Any person, not being registered on any register established under subsection (2) or (3) of section sixteen, who holds himself out to be so registered or uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is so registered, shall be guilty of an offence and liable on conviction to a fine not exceeding seven hundred and fifty penalty units.

[As amended by Act [No. 13 of 1994](#)]

42. Uniforms, badges, etc., for registered persons

The Council may, with the consent of the Minister, by statutory instrument, make regulations specifying distinctive uniforms, badges or tokens which may be worn or used only by any class of persons registered under section sixteen, and prescribing the penalty for the wearing or use of such uniforms, badges or tokens or any colourable imitation thereof by persons not qualified to wear or use them.

43. Exemptions

- (1) If a medical practitioner or dental surgeon who is not resident in Zambia or registered under this Act—
 - (a) is called in as consultant by a registered medical practitioner or a registered dental surgeon; or
 - (b) is called in at the *bona fide* request of a patient; or
 - (c) is appointed under this Act to conduct an examination for a diploma or certificate of competency;

he shall be exempt from the registration requirements of this Act in respect of his attendance upon the patient with respect to whom he has been called in or in respect of his duties in connection with the conduct of the examination, as the case may be.

- (2) Where a person satisfies the Council that he is or intends to be in Zambia temporarily for the purpose of engaging in medical, dental or pharmaceutical research, the Council may, if it thinks fit, exempt him from the registration requirements of this Act for such period and subject to such conditions as the Council may specify.

Part VI – Consulting rooms

44. Registration of consulting rooms

- (1) No consulting room shall be established or conducted unless it is registered under this Act.
- (2) An application for registration of a consulting room shall be made to the Council in the prescribed form.

- (3) Subject to the other provisions of this Act, the Council shall, on receipt of an application for the registration of a consulting room, register the consulting room and issue to the applicant a certificate of registration in respect thereof:

Provided that the Council may refuse to register a consulting room, if it is satisfied—

- (a) that the proprietor thereof or any person registrable under this Act employed thereat is not a fit person to carry on, or be employed at a consulting room of such description as the one in respect of which the application has been made; or
 - (b) that having regard to the situation, premises, construction, accommodation, equipment, medical and other staff and other requirements of this Act or any regulations made thereunder, the consulting room is not fit to be used as such; or
 - (c) that the person in charge of the consulting room is not or will not be a registered medical practitioner or dental surgeon.
- (4) A certificate of registration issued under subsection (3) shall be in the prescribed form and, unless earlier cancelled, shall be valid up to the 31st December in the year in which it is issued.
- (5) An application for the renewal of registration of a consulting room shall be made to the Council in the prescribed form, prior to the 31st October in the year preceding the year for which the renewal is applied for:
- Provided that the Council may consider an application for renewal submitted on or after the said date, if it is satisfied that special circumstances prevented the submission of the application in time.
- (6) The certificate of registration of a consulting room shall be affixed in a conspicuous place in the consulting room and in default thereof the person in charge of the consulting room shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred and seventy five penalty units
- (7) An application for the registration of a consulting room shall be made, in the case of a consulting room existing before the commencement of this Act, within three months of such commencement, and in any other case, within thirty days of its being opened for consultation, and any person who runs, or, being a person registered under this Act, serves at a consulting room in respect of which such application has not been made within the aforesaid time or has been rejected or registration whereof has been cancelled shall be guilty of an offence and shall on conviction be liable to a fine not exceeding seven thousand five hundred penalty units or to imprisonment for six months, or to both.

[As amended by Act No. 13 of 1994]

45. Cancellation of registration

Subject to the other provisions of this Act, the Council may cancel the registration of a consulting room—

- (a) if the proprietor or person in charge of the consulting room has been convicted of an offence under this Act; or
- (b) if any such circumstances arise as would constitute a ground for refusing to register the consulting room, had an application for its registration been then made.

46. Procedure, etc., regarding refusal or cancellation of registration

- (1) Where the Council decides to refuse an application for registration or to cancel registration of a consulting room, the Council shall, subject to the provisions of subsection (2), make an order to that effect and shall send a copy of the order by registered post to the applicant or, as the case may be, to the proprietor of the consulting room.

- (2) Before making an order under subsection (1), the Council shall give the applicant or, as the case may be, the proprietor of the consulting room, not less than fourteen days' notice of its intention to make such order; and any such notice shall state the grounds on which the Council intends to make the order and shall contain an intimation that if within fourteen days of receiving the notice the applicant or, as the case may be, the proprietor of the consulting room informs the Council in writing that he desires to show cause why such order should not be made, the Council shall, before making the order, give him an opportunity so to show cause, either in person or by a representative.
- (3) Any person aggrieved by an order made under subsection (1) may, within twenty-eight days of receiving a copy of the order, appeal to the High Court, and the provisions of section twenty-three shall, *mutatis mutandis*, apply to such an appeal.
- (4) Any order made under subsection (1) shall not come into force until the expiry of fourteen days from the date on which it was made or, where notice of appeal is given, until the appeal has been determined.

47. Entry and inspection

- (1) A person authorised by the Council under the hand of the registrar may, at all reasonable times, enter and inspect any premises which are being used, or which such person has reasonable cause to believe are being used, for purposes of a consulting room, and inspect the registration of the medical and paramedical staff and other records required to be kept under this Act:
Provided that—
 - (i) such person shall, before entering any premises, show to the person in charge of the premises documents in support of his identity and authorisation; and
 - (ii) nothing in this section shall be deemed to authorise any such person to inspect any medical records relating to a patient.
- (2) Any person who refuses to allow a person authorised under subsection (1) to enter and inspect any such premises or to inspect any such records or obstructs him in such entry or inspection, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three hundred and seventy five penalty units.

[As amended by Act [No. 13 of 1994](#)]

48. Power to grant exemption

- (1) Subject to the provisions of subsections (2) and (3), the Council may, where circumstances so warrant, exempt any consulting room from all or any of the provisions of this Act, and any such exemption may be withdrawn at any time.
- (2) Any exemption granted under subsection (1) shall continue to be in force until the 31st December in the year in which it is granted, but without prejudice to the power of the Council to grant any further exemption.
- (3) Any person aggrieved by a refusal to grant, or the withdrawal of, an exemption under subsection (1) may appeal to the Minister, and the Minister may make such order thereon as he thinks fit.

49. Treatment, etc., only by registered medical practitioner and dental surgeon

- (1) Subject to the provisions of subsection (2), no consultation, advice, treatment or diagnosis shall be offered or given at any consulting room except by or under the personal super-vision or authority of a registered medical practitioner or dental surgeon.
- (2) The provisions of subsection (1) shall not apply to the administration of first aid or to the continuation of treatment previously prescribed by a registered medical practitioner or dental surgeon.

50. Offence by company

Where an offence under this Part is committed by a company, the chairman and every director of the company and every officer of the company concerned in the management thereof shall be guilty of the offence, unless he proves that the offence was committed without his knowledge or consent.

51. Publication of copies of registers, etc.

The registrar shall from time to time cause copies of the registers or supplementary lists of the consulting rooms to be published in the *Gazette*.

52. Rules relating to registration of consulting rooms

- (1) The Council may, by statutory instrument, make rules relating to the registration of consulting rooms and, in particular, provide for—
 - (a) the manner and form in which applications for registration shall be made, and the information and documents to be submitted in support of such applications;
 - (b) the form of the registers and the particulars to be entered therein;
 - (c) the form of the certificate of registration.
- (2) Rules made under this section may make different provision with respect to different descriptions or classes of consulting rooms.

Part VII – Discipline

53. Constitution of Disciplinary Committee

- (1) There shall be a committee of the Council styled the Disciplinary Committee, which shall consist of—
 - (a) the Chairman; and
 - (b) not more than four and not less than two other members of the Council, who shall be appointed by the Chairman for the purposes of any particular proceedings of the Disciplinary Committee.
- (2) The members of the Disciplinary Committee appointed by the Chairman shall, so far as circumstances permit, be members of the same profession as that to which the person to whom the proceedings before the Committee relate belongs.
- (3) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee, who shall be the legal member of the Council.

54. Proceedings of Disciplinary Committee

- (1) At any meeting of the Disciplinary Committee, three members shall form a quorum.
- (2) The Chairman shall preside at any meeting of the Disciplinary Committee.
- (3) Any question proposed for decision by the Disciplinary Committee shall be determined by the vote of the members present and voting at a meeting of the Committee.
- (4) At all meetings of the Disciplinary Committee, each member present shall have one vote on a question proposed for decision by the Committee and, in the event of an equality of votes, the Chairman shall have, in addition to a deliberative vote, a casting vote.

- (5) For the purposes of any inquiry by it, the Disciplinary Committee may hear and receive evidence and may, under the hand of the Chairman or registrar, summon witnesses and require the production of any book, record, document or thing and may through the Chairman administer an oath to any witness.
- (6) Any person summoned to attend before the Disciplinary Committee who, without sufficient cause—
 - (a) refuses or fails to attend at the time and place specified in the summons; or
 - (b) having attended, refuses to be sworn; or
 - (c) having been sworn—
 - (i) refuses to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, any question lawfully put to him; or
 - (ii) refuses to produce any book, record, document or thing which he has been required by summons to produce; or
 - (iii) gives false evidence, knowing it to be false or not knowing or believing it to be true;

shall be guilty of an offence and shall be liable on conviction, for every such refusal, failure or false evidence, to a fine not exceeding five hundred penalty units:

Provided that no such person shall be compelled to answer any question or produce any book, record, document or thing which he could not be compelled to answer or produce on the trial of an action in the High Court.

[As amended by Act [No. 13 of 1994](#)]

55. Inquiries by Disciplinary Committee

- (1) If any registered person is, after due inquiry, judged by the Disciplinary Committee to have been guilty of infamous conduct in any professional respect, the Disciplinary Committee may, if it thinks fit, impose one or more of the following penalties:
 - (a) direct the erasure of his name from the register;
 - (b) censure him;
 - (c) caution him and postpone for a period not exceeding one year any further action against him on one or more conditions as to his conduct during that period;
 - (d) order him to pay to the Council any costs of and incidental to the proceedings incurred by the Council.
- (2) If any registered person is, after due inquiry, judged by the Disciplinary Committee to have become mentally or physically disabled to the extent that the continued practising by such person of his profession is contrary to the public welfare, the Disciplinary Committee shall direct the erasure of his name from the register.
- (3) In any inquiry under this section, any finding of fact which is shown to have been made in—
 - (a) any criminal proceedings in a court in Zambia; or
 - (b) any matrimonial proceedings in the High Court or the Supreme Court;shall be conclusive evidence of the fact found.
- (4) If any university, medical or dental school, pharmaceutical society or other examining authority, having granted to any person a qualification upon the faith of which that person was registered

under this Act, exercise any power conferred by law of striking off the name of that person and notify to the Council the fact of the striking off, then—

- (a) the registrar shall make a note of the fact in the register; and
 - (b) if the said university, medical or dental school, pharmaceutical society or other examining authority notify to the Council the findings of fact on which the decision to strike off the name was based, the findings may, if the Disciplinary Committee thinks fit, be treated, for the purposes of any inquiry whether that person has been guilty of infamous conduct in any professional respect, as conclusive of the facts found.
- (5) If, after due inquiry, the Disciplinary Committee is satisfied that during the period of any postponement under paragraph (c) of subsection (1) a person has not complied with the conditions imposed thereunder, the Disciplinary Committee may, if it thinks fit, impose any one or more of the penalties mentioned in paragraphs (a), (b) or (d) of that subsection.
- (6) A certificate under the hand of the Chairman that any costs have been ordered to be paid by a person under this section shall be conclusive evidence thereof.

56. Restoration of registration

- (1) Where the name of a person has been erased from a register in pursuance of a direction given under section fifty-five, the Disciplinary Committee may, if it thinks fit, at any time direct the restoration of his name to the register:

Provided that an application for the restoration of a name to a register shall not be made to the Disciplinary Committee—

- (i) before the expiration of six months from the date of erasure; or
 - (ii) in any period of six months in which such application has already been made by or on behalf of the person whose name has been erased.
- (2) There shall be payable to the Council by any person on the restoration of his name to a register in pursuance of a direction given under this section the like fees as would be payable by that person on first becoming registered on that register.

57. Erasures from registers on grounds of fraud or error

- (1) If it is proved to the satisfaction of the Disciplinary Committee that any entry made in a register has been fraudulently or incorrectly made, the Disciplinary Committee may direct that the entry shall be erased from the register.
- (2) A person may be registered in pursuance of any provision of this Act, notwithstanding that his name has been erased in pursuance of a direction given under subsection (1), but if it was so erased on the ground of fraud, he shall not be registered except on an application in that behalf to the Disciplinary Committee; and on any such application the Disciplinary Committee may, if it thinks fit, direct that he shall not be registered or shall not be registered until the expiration of such period as may be specified in the direction.

58. Appeals to High Court

- (1) Where the Disciplinary Committee—
- (a) makes a finding and imposes a penalty on a registered person under section fifty-five; or
 - (b) rejects an application for the restoration of a name to a register under section fifty-six; or

- (c) directs the erasure of an entry from a register under section fifty-seven;
the registrar shall give the person to whom the proceedings relate notice in writing thereof and such person may, within ninety days of the date on which the notice was given, appeal to the High Court.
- (2) On any appeal under this section, the Council shall be the respondent.
- (3) No direction for the erasure of the name of a registered person from a register under section fifty-five or fifty-seven shall take effect until the expiration of the time for appealing or, if an appeal is brought, until such time as the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.
- (4) The High Court may, on any appeal under this section—
 - (a) confirm, vary or set aside any finding of, penalty imposed or direction given by, the Disciplinary Committee;
 - (b) confirm the rejection by the Disciplinary Committee of the application for restoration or direct the restoration of the name to the register;
 - (c) remit the matter to the Disciplinary Committee for further consideration;
 - (d) make such other order as to costs or otherwise as may to it seem just:Provided that no proceedings of the Disciplinary Committee shall be set aside by reason only of any informality in those proceedings which did not embarrass or prejudice the appellant.
- (5) The Chief Justice may, by statutory instrument, make rules regulating appeals to the High Court under this section.

59. Rules relating to disciplinary proceedings

- (1) The Council may, by statutory instrument, make rules as to—
 - (a) the acts or omissions on the part of a person registered on any particular register which shall constitute infamous conduct in a professional respect;
 - (b) the times and places of the meetings of the Disciplinary Committee and the mode of summoning the members;
 - (c) the form and manner of service of a summons requiring the attendance of a witness before the Disciplinary Committee and the production of any book, record, document or thing;
 - (d) the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee;
 - (e) the functions of the assessor to the Disciplinary Committee.
- (2) Rules made under this section may, in particular, provide—
 - (a) for requiring that before any matters are referred to the Disciplinary Committee they shall, in such manner as may be provided by the rules, have been brought before and investigated by the Executive Committee;
 - (b) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Committee;

- (d) for enabling any party to the proceedings to be represented by a legal practitioner, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
 - (e) for the admission to, or the exclusion from, proceedings before the Disciplinary Committee of members of the public;
 - (f) for requiring that where, in a case in which it is alleged that a person has been guilty of infamous conduct in any professional respect, the Disciplinary Committee judges that the allegation has not been proved, it shall record a finding that the said person is not guilty of such conduct in respect to the matters to which the allegation relates.
- (3) Nothing in any rules made under subsection (1) (a) shall be construed as precluding the Disciplinary Committee from exercising its powers in relation to any person judged by it to be guilty of infamous conduct in a professional respect, notwithstanding that such conduct is not prescribed by the rules.

60. Protection of Council

Save as is provided by this Act, no civil or criminal proceedings shall lie against the Council or any member or employee of the Council in respect of any act or duty in good faith done or performed in accordance with this Part.

Part VIII – Miscellaneous

61. Approval of rules

No rules made by the Council under this Act shall have the force of law until they have been approved by the Minister.

62. Recovery by Council of fees, etc.

The Council may by action in a competent court recover any costs ordered to be paid to the Council under section fifty-five or any fee which is payable to the Council under this Act.

63. Burden of proof

In any criminal proceedings against any person upon a charge of having performed any act which constitutes an offence if performed by an unregistered person, the person charged shall be deemed to be unregistered unless he proves the contrary.

64. Notification of deaths of registered persons

If the Registrar-General of Births and Deaths receives notice of a death showing that the deceased belonged to a profession in respect of which a register is maintained under this Act, he shall forthwith notify the registrar of such death.

65. Notification of *prima facie* evidence of infamous conduct in professional respect

Whenever, in the course of any proceedings before any court in Zambia, it appears to the court that there is *prima facie* evidence that a registered person has been guilty of infamous conduct in any professional respect, the court shall cause a copy of the record of such proceedings, or of such portion thereof as is material to the issue, to be transmitted to the registrar.

66. Construction of references in other written laws

In any written law other than this Act, unless the context otherwise requires—

- (a) a reference to a medical practitioner, registered medical practitioner or duly qualified medical practitioner shall be construed as a reference to a person for the time being registered on the register of fully or temporarily registered medical practitioners and, so far as is mentioned in subsection (2) of section eighteen, but not further, as including a reference to a person for the time being registered on the register of provisionally registered medical practitioners;
- (b) a reference to a dental surgeon, dentist, registered dentist or duly qualified dentist shall be construed as a reference to a person for the time being registered on the register of fully or temporarily registered dental surgeons;
- (c) a reference to a pharmacist, registered pharmacist or duly qualified pharmacist shall be construed as a reference to a person for the time being registered on the register of fully or temporarily registered pharmacists;
- (d) a reference to any other class of persons for whom a register under subsection (2) or (3) of section sixteen is maintained shall be construed as a reference to a person for the time being registered on the register of fully or temporarily registered persons of that class.

67. Regulations

The Minister may, after consultation with the Council, by statutory instrument make regulations for the better carrying into effect of this Act.

68. Savings

- (1) The Medical and Allied Professions Act, Chapter 544 of the Revised Edition, is hereby repealed.
- (2) Notwithstanding the repeal of the said Act, or anything to the contrary contained in this Act—
 - (a) the Medical Council of Zambia existing immediately before the commencement of this Act shall, until a Council is constituted under this Act, be deemed to be the Council for the purposes of this Act;
 - (b) the person holding the office of registrar immediately before the commencement of this Act shall be deemed to be the registrar appointed under this Act;
 - (c) any register maintained under the repealed Act and subsisting immediately before the commencement of this Act shall, until replaced, be deemed to be a register maintained under this Act;
 - (d) any person whose registration under the repealed Act subsisted immediately before the commencement of this Act and who is duly qualified to be registered under this Act shall be deemed to be registered on the appropriate register maintained under this Act.

69. Devolution of assets and liabilities

Notwithstanding anything to the contrary contained in this Act or any other written law, all assets and liabilities of the Medical Council of Zambia subsisting immediately before the commencement of this Act shall, without further transfer, assignment or conveyance, devolve upon the Medical Council of Zambia constituted or deemed to have been constituted under this Act.