

Medical Registration (Amendment) Bill

Bill No. /2018.

Read the first time on .

A BILL

i n t i t u l e d

An Act to amend the Medical Registration Act (Chapter 174 of the 2014 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Medical Registration (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the Medical Registration Act (called in this Act the principal Act) is amended by inserting, immediately after the definition of “Interim Orders Committee”, the following definitions:

““lay person” means any person who —

- 10 (a) has rendered distinguished public service, or has distinguished himself in any field; but
- (b) is not a registered medical practitioner, an advocate and solicitor or a Legal Service Officer;

15 “Legal Service Officer” means an officer in the Singapore Legal Service;”.

Amendment of section 38

3. Section 38(1) of the principal Act is amended by deleting paragraph (c) and substituting the following paragraph:

- 20 “(c) not less than 6 and not more than 50 persons nominated by the Minister, each of whom is either —
- (i) an advocate and solicitor; or
- (ii) a lay person.”.

Amendment of section 40

25 4. Section 40 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

“(1) The chairman of the Complaints Panel may from time to time appoint one or more Complaints Committees to inquire into any complaint or information made or referred to the Medical Council under section 39(1).

(1A) Each Complaints Committee must consist of —

- (a) a chairman, being the deputy chairman of the Complaints Panel or a member of the Complaints Panel who is a registered medical practitioner; and
- 5 (b) 2 other members of the Complaints Panel, one of whom is a registered medical practitioner and the other is an advocate and solicitor or a lay person.”.

Amendment of section 44

10 5. Section 44(1) of the principal Act is amended by deleting the word “he” and substituting the words “the Complaints Committee”.

Amendment of section 49

6. Section 49 of the principal Act is amended —

- (a) by inserting, immediately after subsection (2), the following subsection:

15 “(2A) If the complaint, information or evidence touches on the physical or mental fitness of the registered medical practitioner to practise, the Complaints Committee may, instead of making an order under subsection (2)(a), by agreement with the registered medical practitioner, take
20 one or more of the following measures:

- (a) suspend the registration of the registered medical practitioner in the appropriate register for such period not exceeding 12 months;
- 25 (b) transfer the registration of a fully registered medical practitioner from Part I of the Register of Medical Practitioners and register him as a medical practitioner with conditional registration in Part II of that Register, and section 21(4) applies accordingly;
- 30 (c) where the registered medical practitioner is registered in any register other than Part I of the Register of Medical Practitioners, impose

additional appropriate conditions or restrictions on his registration;

(d) remove the name of the registered medical practitioner from the relevant register.”;

5 (b) by deleting the word “Minister” in subsections (10), (11) and (12) and substituting the words “Appeals Panel”; and

(c) by deleting subsection (13).

New sections 49A and 49B

10 7. The principal Act is amended by inserting, immediately after section 49, the following sections:

“Appeals Panel

15 **49A.**—(1) For the purpose of enabling Appeals Committees to be appointed in accordance with section 49B, the Minister must establish an Appeals Panel consisting of registered medical practitioners, advocates and solicitors, Legal Service Officers and lay persons the Minister appoints under subsection (2).

(2) A person may be appointed to the Appeals Panel only if the person is —

20 (a) a registered medical practitioner of not less than 15 years’ standing;

(b) an advocate and solicitor of not less than 15 years’ standing; or

25 (c) a Legal Service Officer with not less than 15 years in total of full-time employment in the Singapore Legal Service.

(3) The Minister may at any time remove from office any member of the Appeals Panel or fill any vacancy in its membership.

30 (4) The Minister must appoint, from among the members of the Appeals Panel, the Chairman of the Appeals Panel.

(5) The Chairman of the Appeals Panel may, subject to such conditions or restrictions as the Chairman thinks fit, delegate to a member of the Appeals Panel any of the Chairman's powers or functions under this Act, except the power of delegation conferred by this section.

(6) The Chairman of the Appeals Panel may continue to exercise any power conferred on the Chairman or perform any function under this Act despite the delegation of such power or function under this section.

Appeals Committees

49B.—(1) Where an appeal against an order of a Complaints Committee is made under section 49(10), (11) or (12), the Chairman of the Appeals Panel must appoint, from among the members of that Panel, an Appeals Committee consisting of the following to hear and determine the appeal:

- (a) one registered medical practitioner;
- (b) one advocate and solicitor or Legal Service Officer;
- (c) one lay person.

(2) The chairman of an Appeals Committee is a member of that Committee so designated by the Chairman of the Appeals Panel.

(3) A member of a Complaints Committee who has taken part in an inquiry into any matter concerning a registered medical practitioner is disqualified from acting as a member of an Appeals Committee hearing and determining the same matter.

(4) The Appeals Committee hearing an appeal may determine —

- (a) whether any finding made by the Complaints Committee can be supported by the evidence that was before the Complaints Committee or any new evidence that is before the Appeals Committee; or
- (b) whether the Complaints Committee considered all the relevant issues; or

(c) any question relating to the compliance with any procedural requirement of this Act or the regulations governing the determination of the Complaints Committee.

5 (5) The Appeals Committee hearing the appeal may appoint an advocate and solicitor (who is not a member of the Appeals Panel) to advise the Committee on any question of law referred to the advocate and solicitor by the Committee.

10 (6) The Appeals Committee hearing the appeal may, after considering the appeal, make —

(a) an order affirming the determination of the Complaints Committee;

15 (b) an order overturning the determination of the Complaints Committee and substituting it with its own determination;

(c) an order directing the Complaints Committee —

(i) to immediately appoint one or more investigators for the purposes of carrying out an investigation under section 42(4)(c); and

20 (ii) to reconsider the complaint in light of the findings of the investigation;

(d) an order directing the Medical Council to —

(i) immediately appoint a Disciplinary Tribunal to hear and investigate the complaint or matter; or

25 (ii) order that an inquiry into such matter be held by a Health Committee; or

(e) such other order as the Appeals Committee thinks fit.

(7) Any decision of the Appeals Committee must be made —

30 (a) by a majority of votes of the members of the Appeals Committee; and

(b) within 6 months after the date of filing of the appeal, or such longer time as may be extended by the Chairman of the Appeals Panel in the particular case.

5 (8) Where a member of the Appeals Committee ceases to be a member of the Appeals Panel on the expiry of his term of appointment to that Panel, he is deemed to be a member of the Appeals Panel until such time as the Chairman of the Appeals Panel has decided that the Appeals Committee has completed its work.

10 (9) The Complaints Committee mentioned in subsection (6)(c) may, after reconsidering the complaint —

(a) affirm its original decision; or

(b) make a fresh decision.

15 (10) The Complaints Committee’s decision under subsection (9)(a) or (b) cannot be appealed to the Appeals Panel.”.

Amendment of section 50

8. Section 50 of the principal Act is amended —

20 (a) by deleting the words “The Medical Council” in subsection (1) and substituting the words “Subject to subsection (1A), the Medical Council”;

(b) by deleting the words “an officer in the Singapore Legal Service” in subsection (1)(a)(iv) and substituting the words “a Legal Service Officer”;

25 (c) by inserting the word “and” at the end of subsection (1)(a)(iv);

(d) by deleting the words “subject to paragraph (c)(ii),” in subsection (1)(b);

30 (e) by deleting the word “; and” at the end of subsection (1)(b) and substituting a comma;

(f) by deleting paragraph (c) of subsection (1);

(g) by inserting, immediately after subsection (1), the following subsections:

“(1A) Subject to subsection (1B), where the chairman of a Disciplinary Tribunal is a registered medical practitioner mentioned in subsection (1)(a)(i), the Disciplinary Tribunal must comprise, in addition to the chairman —

(a) a member of the panel mentioned in subsection (1)(a) who is —

(i) an advocate and solicitor of not less than 15 years’ standing; or

(ii) a Legal Service Officer who has in the aggregate not less than 15 years of full-time employment in the Singapore Legal Service; and

(b) a member of the Complaints Panel who is a registered medical practitioner of not less than 10 years’ standing.

(1B) The Medical Council may also appoint a member of the Complaints Panel who is a lay person as an observer on the Disciplinary Tribunal.

(1C) A member of the Medical Council must not be appointed the chairman or a member of any Disciplinary Tribunal.”; and

(h) by deleting the words “subsection (1)(c)(i)” in subsection (3) and substituting the words “subsection (1B)”.

Amendment of section 53

9. Section 53(2) of the principal Act is amended by deleting the words “of not less than 3 months and not more than” in paragraph (b) and substituting the words “not exceeding”.

Amendment of section 55

10. Section 55 of the principal Act is amended —

(a) by deleting subsections (2) to (9); and

(b) by deleting subsection (12) and substituting the following subsections:

“(12) Subject to subsection (13) and despite sections 53 and 54, where an appeal has been made to the High Court against an order of the Disciplinary Tribunal mentioned in section 53(2) or 54 (called in this section a relevant order), the relevant order is not to take effect until after —

- (a) the relevant order is confirmed by the High Court;
- (b) the appeal is for any reason dismissed by the High Court; or
- (c) the appeal is withdrawn.

(13) Subsection (12) does not apply if, at the time of making a relevant order, the Disciplinary Tribunal makes an order under subsection (14) that the relevant order is to take effect immediately.

(14) The Disciplinary Tribunal may order that a relevant order takes effect immediately if the Disciplinary Tribunal is satisfied that such an order —

- (a) is necessary to protect the health or safety of members of the public; or
- (b) is in the best interests of the registered medical practitioner who is the subject of the relevant order.”.

Amendment of section 59G

11. Section 59G(2) of the principal Act is amended —

- (a) by deleting the word “Minister” in paragraph (a)(i) and substituting the words “Appeals Panel”; and
- (b) by deleting sub-paragraph (ii) of paragraph (a) and substituting the following sub-paragraph:

“(ii) an Appeals Committee made an order under section 49B(6)(a), (b) or (e);”.

Amendment of section 60

12. Section 60 of the principal Act is amended —

(a) by deleting subsections (1) and (2) and substituting the following subsections:

5 “(1) All fees and other moneys payable to the Medical Council under this Act that are not paid are recoverable as a debt due to the Medical Council.

 (2) Subject to subsection (2A), all fees and other moneys collected or recovered by the Medical Council under this Act must be paid to the Medical Council.

 (2A) All penalties collected under this Act must be paid into the Consolidated Fund.”; and

(b) by inserting, immediately after the words “Medical Council” in the section heading, the word “, etc.”.

15 New section 65A

13. The principal Act is amended by inserting, immediately after section 65, the following section:

“General exemption

20 **65A.**—(1) The Minister may, after consultation with the Medical Council, by order in the *Gazette*, exempt any person or any class of persons from all or any of the provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose.

 (2) This section does not affect section 66.”.

25 Amendment of section 66

14. Section 66 of the principal Act is amended by deleting the section heading and substituting the following section heading:

“Exemption for ships’ surgeons”.

Amendment of section 66A

5 **15.** Section 66A(4) of the principal Act is amended by deleting the words “funds of the Medical Council” and substituting the words “Consolidated Fund”.

New section 68B

16. The principal Act is amended by inserting, immediately after section 68A, the following section:

“Service of documents

10 **68B.**—(1) A document that is permitted or required under this Act to be served on a person may be served as described in this section.

(2) A document permitted or required under this Act to be served on an individual may be served —

- 15 (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
- 20 (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous
25 place at the individual’s residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual;
30 or
- (f) by sending it by email to the individual’s email address.

(3) A document permitted or required under this Act to be served on a partnership (other than a limited liability partnership) may be served —

- 5 (a) by giving it to any partner or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- 10 (d) by sending it by email to the partnership's email address.

(4) A document permitted or required under this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- 15 (a) by giving it to the secretary or other like officer of the body corporate or unincorporated association or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;
- 20 (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or
- 25 (d) by sending it by email to the body corporate's or unincorporated association's email address.

(5) Service of a document under this section takes effect —

- 30 (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

5 (6) A document may be served on a person under this Act by email only with that person's prior written consent.

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means —

10 (a) in the case of an individual, the individual's usual or last known place of business in Singapore; or

(b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

15 “document” includes a direction, order or notice permitted or required under this Act to be served on a person;

“email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

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“residential address” means an individual's usual or last known place of residence in Singapore.”.

Amendment of section 71

25 **17.** The principal Act is amended by renumbering section 71 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The Minister may, in any order made under subsection (1), make such saving or transitional provision as may be necessary or expedient.”.

30 Saving and transitional provisions

18.—(1) Sections 2, 3, 4 and 6 to 11 do not affect —

- 5 (a) any complaint under the principal Act made or referred to the Medical Council, or disciplinary proceedings, inquiry or investigation under the principal Act commenced, before the appointed day and which is not dealt with or completed before that day, and every such complaint, proceedings, inquiry or investigation may be continued and everything in relation to such complaint, proceedings, inquiry or investigation may be done in all respects on and after that day as if those sections had not been enacted;
- 10 (b) the continued operation or effect of any determination or order made before the appointed day under the principal Act following any disciplinary proceedings, inquiry or investigation under the principal Act commenced before the appointed day; and
- 15 (c) any right of appeal accrued before the appointed day in respect of any determination or order mentioned in paragraph (b), and any appeal made under the principal Act before that day but not dealt with or disposed of before that day, may be dealt with as if those sections had not been enacted.
- 20 (2) Section 5 applies only where an investigator is directed on or after the appointed day under section 42(4)(c) of the principle Act to investigate any complaint or information.
- (3) For a period of 2 years after the appointed day, the Minister may, by rules, prescribe such additional provisions of a saving or transitional nature consequential on the enactment of this Act as the Minister may consider necessary or expedient.
- 25 (4) In this section, “appointed day” means the date of commencement of this Act.

EXPLANATORY STATEMENT

This Bill seeks to ...

[Explanatory Statement will be inserted when all the clauses are finalised.]

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

Note 1: MR(Am)Bill 2018 (v01.19_Clean) KL 21.9.18