

Traditional Chinese Medicine Practitioners (Disciplinary Proceedings) Regulations 2020

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No. S 226

**TRADITIONAL CHINESE MEDICINE PRACTITIONERS ACT
(CHAPTER 333A)**

**TRADITIONAL CHINESE MEDICINE PRACTITIONERS
(DISCIPLINARY PROCEEDINGS)
REGULATIONS 2020**

In exercise of the powers conferred by section 36(1) of the Traditional Chinese Medicine Practitioners Act, the Traditional Chinese Medicine Practitioners Board, with the approval of the Minister for Health, makes the following Regulations:

Citation and commencement

1. These Regulations are the Traditional Chinese Medicine Practitioners (Disciplinary Proceedings) Regulations 2020 and come into operation on 1 April 2020.

Definitions

2. In these Regulations —

“advocate and solicitor” has the meaning given by section 2 of the Legal Profession Act (Cap. 161);

“appointed person” means a person appointed by the Board under regulation 5;

“disciplinary offence” means an act or omission in respect of which a registered person may be subject to disciplinary proceedings under any of the grounds in section 19(1) of the Act;

“hearing” means a hearing before the Inquiry Committee under section 26E(4)(b) of the Act;

“Inquiry Committee” means an Inquiry Committee appointed under section 26I(1) of the Act.

Complaints against or information about registered persons

3.—(1) For purposes of section 26B(2)(b) of the Act, a statutory declaration must state the following:

- (a) the name, address and occupation of the person making the complaint against, or providing information about, any registered person;
- (b) the grounds of the complaint or information;
- (c) the evidence supporting the complaint or information.

(2) Where a complaint is made or information is given by a member of the Board, that member is disqualified from taking part in any deliberation of the Board relating to the member’s complaint or information and from being appointed as a member of an Inquiry Committee conducting an inquiry into the member’s complaint or information.

Review of complaints and information

4.—(1) If, under section 26C(2) of the Act, the Board requires a registered person to answer any inquiry or provide any record that the Board considers relevant for the purpose of its review, the Registrar, at the Board’s direction, must serve on the registered person a copy of the complaint or information and any statutory declaration provided under section 26B(2)(b) of the Act.

(2) Where a complaint is based on the conviction of the registered person of an offence specified in section 19(1)(g) or (h) of the Act, the Board may, in the course of its review under section 26C of the Act, have regard to the record of the proceedings in court relating to that offence.

Appointment of appointed person

5.—(1) The Board may appoint an advocate and solicitor or a public officer as an appointed person to assist an Inquiry Committee in conducting an inquiry.

(2) An advocate and solicitor appointed under paragraph (1) may be paid the fees that the Board approves.

Appointment and composition of Inquiry Committees

6. Any Inquiry Committee appointed by the Board under section 26I(1) of the Act must comprise at least 3 members, of which —

- (a) 2 members must be registered persons with at least 10 years' experience in any prescribed practice of traditional Chinese medicine; and
- (b) one member must be —
 - (i) where a complaint against, or information about, a registered person relates to a matter in section 19(1)(a) to (j) of the Act — a person other than a registered person; or
 - (ii) where a complaint against, or information about, a registered person relates to a matter in section 19(1)(k) of the Act — a registered medical practitioner under the Medical Registration Act (Cap. 174).

Notice of hearing

7.—(1) A notice under section 26F(1) of the Act must, in addition to the matters specified in section 26F(2) —

- (a) state the date, time and place at which the hearing will be held; and
- (b) be accompanied by a copy of the report of any expert witness (if available) whom the appointed person intends to call at the hearing.

(2) The hearing must be held no earlier than 28 days after the date of the notice, except with the agreement of the registered person.

Postponement or adjournment of hearing

8.—(1) An Inquiry Committee may, of its own motion or upon the application of any party, postpone the commencement of the hearing or adjourn any proceedings at any time.

(2) An application for postponement of the commencement of the hearing must be —

- (a) made to the Inquiry Committee;
- (b) copied to the Registrar at least 21 days before the date fixed for the commencement of the hearing, or any shorter period that the Inquiry

Committee may allow; and

(c) supported by valid reasons.

(3) The Inquiry Committee must record in writing the reason for any adjournment of the hearing.

(4) An adjournment may not be given for more than 14 days except with the permission of the Chairman of the Board.

Supply of documents

9.—(1) If a registered person wishes to raise any defence at the hearing, the registered person or his or her counsel must, at least 10 days before the date fixed for the commencement of the hearing, send to the Inquiry Committee and the appointed person —

(a) a concise statement of the grounds of his or her defence; and

(b) any report or document in support of the grounds of his or her defence, including the report of any expert witness whom the registered person or his or her counsel intends to call at the hearing.

(2) The appointed person must, as soon as possible, send to the executive secretary of the Board a copy of any statement, report or document received under paragraph (1).

(3) The appointed person and the registered person or his or her counsel must, as far as possible, prepare an agreed statement of facts, an agreed bundle of documents or exhibits to be used at the hearing, and their lists of witnesses to be called at the hearing.

(4) The appointed person must, at least 5 days before the date of commencement of the hearing, send the following (if available) to the executive secretary of the Board and to the registered person or his or her counsel:

(a) the opening statement of the parties;

(b) the agreed statement of facts;

(c) the agreed bundle of documents or exhibits to be used at the hearing;

(d) the lists of witnesses whom the parties intend to call at the hearing;

(e) copies of any other documents which are to be used at the hearing.

(5) The appointed person may give notice to the registered person or his or her counsel —

(a) to send to the appointed person copies of any document in the possession of the registered person or his or her counsel which are relevant to the