

Medical Registration (Amendment) Regulations 2010

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No. S 528

MEDICAL REGISTRATION ACT (CHAPTER 174)

MEDICAL REGISTRATION (AMENDMENT) REGULATIONS 2010

In exercise of the powers conferred by section 70 of the Medical Registration Act, the Singapore Medical Council, with the approval of the Minister for Health, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Medical Registration (Amendment) Regulations 2010 and shall come into operation on 20th September 2010.

Amendment of regulation 2

2. Regulation 2(1) of the Medical Registration Regulations (Rg 1) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by inserting, immediately after the definition of “Disciplinary Committee”, the following definition:

““disciplinary offence” means an act or omission in respect of which a practitioner may be subject to disciplinary proceedings under the Act;” and

- (b) by inserting, immediately after the definition of “legal assessor”, the following definition:

““party” means a party to an inquiry by a Disciplinary Committee;”.

Amendment of regulation 16

3. Regulation 16 of the principal Regulations is amended by inserting, immediately after paragraph (3), the following paragraph:

“(3AA) In imposing any conditions or restrictions under paragraph (3), the Medical Council shall have regard to the advice of the Board, under section 35(1)(f) of the Act, on any matters affecting, or connected with the registration of, a particular specialist or specialists generally.”.

New regulation 19A

4. The principal Regulations are amended by inserting, immediately after regulation 19, the following regulation:

“Power to make orders and give directions for just, expeditious and economical disposal of inquiries

19A.—(1) The Disciplinary Committee may, at any time after it is appointed, of its own motion or on the application of any party, direct any party or the parties to attend a pre-inquiry conference before the Chairman of the Disciplinary Committee, in order that the Chairman may make such orders or give such directions of an administrative nature as he thinks fit for the just, expeditious and economical disposal of the inquiry.

(2) For the purposes of the pre-inquiry conference, the Chairman of the Disciplinary Committee may be assisted by a legal assessor.

(3) The Chairman of the Disciplinary Committee may adjourn a pre-inquiry conference from time to time, either generally or to a particular date, as may be appropriate.

(4) The Chairman may, in exercising his powers under this regulation, make such recommendation as to costs, as he thinks fit, to the Disciplinary Committee, including costs occasioned by any non-compliance with a direction given or an order made by the Chairman under this regulation.”.

New regulation 22A

5. The principal Regulations are amended by inserting, immediately after regulation 22, the following regulation:

“Medical Council may consent to amendment, etc., of charges

22A.—(1) The Medical Council shall consider any representations received from a practitioner, or an advocate and solicitor representing him, in respect of any charge framed against him and may, if the Medical Council considers it fair and expedient to do so, consent to —

- (a) the subsequent amendment, withdrawal, substitution or amalgamation by the Disciplinary Committee of one or more charges against the practitioner; or
- (b) the taking into consideration of one or more charges by the Disciplinary Committee for the purposes of exercising its powers under section 45(2) of the Act.

(2) The Medical Council may appoint a committee to exercise the powers and functions of the Medical Council under paragraph (1).

(3) The number and term of office of the members of a committee appointed under paragraph (2), and the number of those members necessary to form a quorum, shall be fixed by the Medical Council at the time of the appointment of the committee.”.

New regulations 23A to 23E

6. The principal Regulations are amended by inserting, immediately after regulation 23, the following regulations:

“Disciplinary Committee may alter charge or frame new charge

23A.—(1) The Disciplinary Committee may alter a charge or frame a new charge, whether in substitution for or in addition to an existing charge, at any time before it makes a finding under section 45(1) of the Act.

(2) An altered charge or a new charge must be read and explained to the practitioner.

(3) If a charge is altered or a new charge is framed under paragraph (1), the Disciplinary Committee must immediately call on the practitioner to enter his plea and to state whether he is ready for the inquiry to proceed on the altered or new charge.

(4) If the practitioner declares that he is not ready for the inquiry to proceed on the altered or new charge, the Disciplinary Committee must duly consider any reason he gives.

(5) Notwithstanding paragraph (4), if the Disciplinary Committee thinks that proceeding immediately with the inquiry is unlikely to prejudice the practitioner’s defence or the conduct of the case by the Council’s solicitor, then the Disciplinary Committee may proceed with the inquiry.

(6) If, after considering any reason given by the practitioner under paragraph (4), the Disciplinary Committee thinks that proceeding immediately with the inquiry is likely to prejudice the practitioner’s defence or the conduct of the case by the Council’s solicitor, then the Disciplinary Committee may direct a new inquiry or adjourn the inquiry for as long as it thinks necessary.

(7) If a charge is altered or a new charge is framed by the Disciplinary Committee after the start of an inquiry, the Council’s solicitor and the practitioner must, on application to the Disciplinary Committee by either party, be allowed to recall or re-summon and examine any witness who may have been examined, with respect to the altered or new charge only, unless the Disciplinary Committee thinks that the application is frivolous or vexatious, or is otherwise an abuse of process.

Joining of similar disciplinary offences and inquiry for more than one disciplinary offence

23B.—(1) When a practitioner is alleged to have committed 2 or more disciplinary offences, a single inquiry into any number of those disciplinary offences may be held if the disciplinary offences form or are a part of a series of disciplinary offences of the same or a similar character.

(2) If, in one series of acts or omissions so connected as to form the same