A BILL

entitled

MEDICAL PRACTITIONERS AMENDMENT ACT 2016

TABLE OF CONTENTS

1  Citation
2  Amends section 1
3  Amends section 5
4  Inserts sections 5AA and 5AB
5  Repeals section 5A
6  Repeals section 5B
7  Amends section 7
8  Amends section 7B
9  Amends section 8
10 Amends section 10
11 Amends section 11
12 Inserts section 12AA
13 Repeals and replaces section 12A
14 Repeals and replaces section 13
15 Amends section 13A
16 Amends section 14
17 Amends section 17
18 Amends section 22
19 Repeals and replaces section 25
20 Amends section 29A
21 Amends section 30
22 Repeals and replaces Schedule 1
23 Repeals and replaces Schedule 2
24 Consequential amendments
25 Transitional
26 Commencement

WHEREAS it is necessary to amend the Medical Practitioners Act 1950 to update registration, investigation, complaints and enquiry procedures; to provide a code of conduct for medical practitioners; to update the appeals process and for related matters:
MEDICAL PRACTITIONERS AMENDMENT ACT 2016

Be it enacted by The Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation
1 This Act, which amends the Medical Practitioners Act 1950 (“the principal Act”), may be cited as the Medical Practitioners Amendment Act 2016.

Amends section 1
2 Section 1 of the principal Act is amended—
   (a) by deleting the definitions of “Bermuda Medical Association” and “the Bermuda Medical Society” and inserting the following in its proper alphabetical place—

   “Bermuda Medical Doctors Association” means the Association formed in Bermuda to represent medical practitioners;”;

   (b) in the definition of “Committee”—

   (i) by inserting “Medical Practitioners” before “Professional Conduct Committee”; and

   (ii) by deleting “section 5A” and substituting “section 12AA”; and

   (c) in the definition of “professional misconduct” by deleting paragraph (c) and substituting—

   “(c) a contravention of or failure to comply with—

   (i) a provision of this Act or, in relation to professional practice, any requirement or condition under any other statutory provision; or

   (ii) a code of conduct prescribed under section 5AB;”.

Amends section 5
3 Section 5 of the principal Act is amended—
   (a) by repealing subsections (2) and (4);

   (b) by repealing subsection (3) and replacing it with—

   “(3) The Council shall consist of seven members, of whom—

   (a) two shall be registered medical practitioners appointed by the Minister;

   (b) two shall be persons, not being registered medical practitioners, appointed by the Minister as persons appearing to him to be
qualified by their training or experience or both to assist the Council in matters of a legal or ethical nature;

(c) two shall be selected by the Minister from a list of three registered medical practitioners in good standing who are nominated by the Bermuda Medical Doctors Association; and

(d) one shall be the Chief Medical Officer, *ex officio*.;

(c) by inserting the following after subsection (3)—

“(3A) The Minister shall appoint to act whenever needed as the alternate to each person appointed under subsection (3)(a), (b) or (c), a second person having the same qualifications.

(3B) An alternate member shall be appointed in accordance with the requirements for the appointment of the member, and his term of appointment shall, if not sooner terminated, end at the expiration of the term of the member.”.

**Inserts sections 5AA and 5AB**

4 The principal Act is amended by inserting the following after section 5—

"Protection from personal liability"

5AA A member of the Council shall not be personally liable for damages for anything done or omitted to be done in the discharge or purported discharge of the Council's functions under this Act, unless the act or omission was done or made in bad faith.

**Code of conduct**

5AB (1) It shall be the duty of the Council to prepare and, from time to time as they think fit, amend a code of conduct which the Council considers to be conduct and standards that are proper for registered persons in a professional respect (hereinafter referred to as "the Code").

(2) The Council shall send by post to each registered medical practitioner at his address on the register of medical practitioners a copy of the Code and of any amendment made to the Code.

(3) The Code may contain guides to ethical conduct, standards of practice or scopes of practice.

(4) In exercise of their powers under section 13, the Council shall, subject to subsection (5), be guided by any relevant provision of the Code.

(5) Where an enquiry has been conducted by the Council under section 13, the Council may find a person guilty of negligence, incompetence or other improper conduct, notwithstanding that the conduct in question is not prohibited by the Code, but they shall not find a person guilty of improper conduct if that conduct is authorized by the Code.”.
Repeals section 5A
5  Section 5A of the principal Act is hereby repealed.

Repeals section 5B
6  Section 5B of the principal Act is hereby repealed.

Amends section 7
7  Section 7 of the principal Act is amended—
   (a) in subsection (1)—
      (i) in paragraph (a), by inserting “malpractice insurance,” before “professional qualifications”;
      (ii) by deleting the proviso;
   (b) by repealing subsection (6) and replacing it with—
      “(6) Any person aggrieved by any decision of the Council under this section may appeal to the Supreme Court against the decision in the manner provided in section 25.”.

Amends section 7B
8  Section 7B of the principal Act is amended—
   (a) by repealing subsection (2) and replacing it with—
      “(2) Subject to subsection (3), the Council may re-register a person under subsection (1) if the Council is satisfied that the person—
      (a) has malpractice insurance;
      (b) continues to meet the qualifications, experience and conduct specified in this Act;
      (c) has within the two years preceding the date of the application for re-registration met the requirements of—
         (i) the continuing medical education programmes that are applicable to him; and
         (ii) the number of practice hours as required by the Council.”;
   (b) by inserting the following after subsection (2)—
      “(2A) Any person aggrieved by a refusal of the Council under this section may appeal to the Supreme Court against the decision in the manner provided in section 25.”.
MEDICAL PRACTITIONERS AMENDMENT ACT 2016

Amends section 8
9 Section 8 of the principal Act is amended in subsections (1)(b) and (5) by deleting “Cabinet” and substituting “Supreme Court”.

Amends section 10
10 Section 10 of the principal Act is amended in subsection (1) by deleting “there shall be returned to him by the Permanent Secretary one half of that fee” and substituting “that fee shall not be returned to him”.

Amends section 11
11 Section 11 of the principal Act is amended by repealing subsections (1) and (2).

Inserts section 12AA
12 The principal Act is amended by inserting the following after section 12—

“Medical Practitioners Professional Conduct Committee
12AA (1) There is established, in accordance with Schedule 2, a committee to be known as the “Medical Practitioners Professional Conduct Committee”.

(2) The functions of the Committee are—

(a) to receive and investigate, or cause to be investigated, complaints against any registered person, including any allegation that—

(i) the person’s registration was improperly obtained;
(ii) the person is guilty of professional misconduct;
(iii) the person is unfit to practise a specialty or to be registered;
(iv) the person is unfit to practise by reason of a conviction of an indictable offence, adverse physical or mental health, or being drug or alcohol impaired in the course of performing professional functions; and

(b) to perform such other functions as may be assigned to it by the Council.

(3) The Committee may investigate any complaint based on matters alleged to have occurred—

(a) inside or outside of Bermuda; or
(b) at any time, whether or not at a time when the person was a registered person.

(4) A complaint referred to in subsection (2)(a)—

(a) shall be in writing;
(b) shall be made—
(i) by the complainant;
(ii) if the complainant is a child or is physically or mentally unable to make the complaint, by the parent or guardian, friend or a person acting on behalf of the complainant;
(iii) if the conduct complained of relates to a person who is dead, by his executor or personal representative;
(c) shall be addressed to the Council;
(d) shall be forwarded to the Chief Medical Officer and copied to the Committee;
(e) shall set out the matters alleged to constitute grounds for disciplinary action to be taken against the registered person who is the subject of the complaint; and
(f) may be required by the Council to be in a form approved by the Council.

(5) Where—

(a) in the absence of a complaint made under subsection (4), a matter comes to the attention of the Committee which appears to constitute grounds for disciplinary action against a registered person; or

(b) a complaint is made under subsection (4) but the matter is withdrawn,

the Committee may treat, or continue to treat, the matter as if it were a complaint made under subsection (4).

(6) Schedule 2 has effect as to the appointment and proceedings of the Committee and other matters relating to the Committee.”.

Repeals and replaces section 12A

13 The principal Act is amended by repealing section 12A and replacing it with—

“Investigation of complaint by Committee

12A (1) Where a complaint is made (or treated as made) under section 12AA(4), or is received under section 13A, the Committee shall investigate the complaint and determine whether, in its opinion, the complaint—

(a) is frivolous or vexatious, is made in bad faith, is an abuse of process, or for any other reason ought not to be referred to the Council;

(b) arose from a misapprehension on the part of the complainant or a misunderstanding between the complainant and the registered person; or
(c) ought to be referred to the Council for decision.

(2) The Committee may, if it considers it is necessary for the protection of the public, recommend to the Council that it make an interim order suspending the registered person from the register for such period as the Council considers appropriate.

(3) The Committee—

(a) shall give written notice to the registered person who is the subject of the complaint that a complaint has been made, together with a summary of the matters alleged in the complaint;

(b) shall request that the registered person who is the subject of the complaint show cause in writing, within a specified time after the notice is given, explaining why the matter should not be placed before the Council for determination;

(c) may require any person (whether or not a registered person) to provide information or documentation that appears to be relevant to a case, if the disclosure of that information or documentation is not prohibited under any Act;

(d) may take evidence from witnesses on oath or affirmation, administered by the Chairman; and

(e) shall give the registered person the opportunity to be heard.

(4) A person or practitioner under subsection (3)(c) may be summoned to appear before the Committee and provide evidence that is determined by the Committee to be relevant to a matter.

(5) If the Committee determines that a complaint is frivolous or vexatious, is made in bad faith, is an abuse of process or otherwise ought not to be considered by the Committee, it shall dismiss the complaint and give written notice to the complainant of the dismissal and the reasons for the dismissal.

(6) If the Committee considers that a complaint arose from a misunderstanding by the complainant or between the complainant and the registered person complained of, the Committee may, before proceeding further with the investigation of the complaint, require the parties to appear before it in order to discuss the matter with a view to clarifying the misunderstanding and resolving the matter informally.

(7) The Committee may recommend to the Council that guidelines on future conduct be issued by the Council to all registered persons concerning any of the matters coming to the Committee’s attention in the course of the investigation.

(8) If the Committee determines that a complaint ought to be referred to the Council for decision, the Committee shall, as soon as practicable, refer the matter to the Council.
(9) The Committee—
   (a) shall inform the Council of its findings; and
   (b) may make such recommendations as it thinks fit, to the Council, including a recommendation that no further action be taken.”.

Repeals and replaces section 13
14 The principal Act is amended by repealing section 13 and replacing it with—

“Enquiry into complaint by Council
13 (1) If, pursuant to an investigation under section 12A, the Committee places the matter before the Council for determination, the Council shall enquire into the matter.

(2) For the purposes of an enquiry under this section, the Council—
   (a) may take evidence from witnesses on oath or affirmation, and for that purpose the Chairman of the Council may administer an oath or affirmation;
   (b) may require any person (whether or not a registered person) to provide information or documentation that appears to be relevant to a matter, if the disclosure of that information or documentation is not prohibited under any Act;
   (c) shall afford the registered person and the Committee, or a member of the Committee, every facility—
      (i) to appear before the Council;
      (ii) to be represented by a barrister and attorney;
      (iii) to call or cross-examine witnesses; and
      (iv) generally to make a full defence or explanation in the matter of the complaint.

(3) A person under subsection (2)(b) may be summonsed to appear before the Council and provide evidence that is determined by the Council to be relevant to a matter.

(4) Following its enquiry, the Council shall make a decision as to whether the complaint is proved or not proved, in whole or in part, together with reasons for its decision.

(5) If the Council decides that a complaint is not proved, in whole or in part, it shall dismiss the complaint to the extent that it is not proved.

(6) If the Council decides that a complaint is proved, in whole or in part, it shall record a finding to that effect and it may make any order of a disciplinary nature as it sees fit in respect of a registered person against whom the complaint is made, including an order—
MEDICAL PRACTITIONERS AMENDMENT ACT 2016

(a) admonishing the registered person;
(b) suspending the registered person from practice as a medical practitioner for such period as it sees fit or for an indefinite period;
(c) striking the name of the registered person off the register;
(d) imposing conditions or limitations with regard to the registered person’s practice as a medical practitioner.

(7) The Council shall give written notice to the complainant and the registered person against whom a complaint is made of its decision under subsection (4) and any order made by the Council under subsection (6), together with reasons.

(8) The registered person against whom the complaint is made may appeal to the Supreme Court against a decision or order of the Council in the manner provided in section 25.

(9) Any proceedings in connection with the holding of an enquiry by the Council under this section shall, for the purpose of the provisions of the Criminal Code Act 1907 relating to perjury, be deemed to be judicial proceedings.

(10) A member of the Council who was involved in the matter complained of may not participate in an enquiry by the Council under this section.

(11) A person who is suspended from practice under this section shall, for the duration of the suspension, be deemed not to be registered.”.

Amends section 13A

15 Section 13A of the principal Act is amended by inserting the following after subsection (2)—

“(2A) The Chief of Staff of the hospital shall, as soon as practicable after receiving a report made to him under subsections (1)(a) and (2)(a), inform the Chief Medical Officer in writing of such report.

(2B) The Chief Medical Officer shall, as soon as practicable after receiving a report made to him by the Chief of Staff of the hospital under subsection (2A), inform the Committee in writing of such report.”.

Amends section 14

16 Section 14 of the principal Act is amended in subsection (4)(a) by deleting “tenth” and substituting “thirtieth”.

Amends section 17

17 Section 17 of the principal Act is amended—

(a) by repealing subsection (2) and replacing it with—

“(2) The provisions of sections 13 and 14 relating to—


MEDICAL PRACTITIONERS AMENDMENT ACT 2016

(a) enquiries held by the Council;
(b) notification of the findings and decisions of the Council; and
(c) the right of appeal against such findings or decisions of the Council,

shall apply as nearly as may be to enquiries held by the Council under this section and to connected matters arising therefrom.”;

(b) by inserting the following after subsection (2)—

“(2A) Where a medical practitioner is suspended from practice under this section, he shall be required to return his certificate of registration within seven days to the Permanent Secretary; however, his name shall not be struck off the register.”.

Amends section 22
18 Section 22 of the principal Act is amended in subsection (1)—

(a) by deleting “leaving Bermuda” and substituting “absent from practice”;
(b) by deleting “absent from Bermuda” and substituting “absent from practice”.

Repeals and replaces section 25
19 The principal Act is amended by repealing section 25 and replacing it with—

“Appeals
25 (1) A person aggrieved by a decision of the Council under this Act may, within 28 days after the date on which the decision is given to the person by the Council, appeal to the Supreme Court against the decision.

(2) On an appeal under this section, the Supreme Court may make such order in the matter as it thinks proper, including an order as to the costs of the appeal.

(3) An order of the Supreme Court under subsection (2) is final.

(4) The practice and procedure to be followed in relation to an appeal under this section are as prescribed by rules of court.

(5) The Council may appear as respondent on such appeal and, whether they appear at the hearing of the appeal or not, they shall be deemed to be a party to the appeal for the purpose of enabling directions to be given as to the costs or expenses of the appeal.”.

Amends section 29A
20 Section 29A of the principal Act is amended by deleting “April” and substituting “January”.

10
MEDICAL PRACTITIONERS AMENDMENT ACT 2016

Amends section 30

Section 30 of the principal Act is amended in subsection (1) by deleting “and” at the end of paragraph (c), and inserting the following after paragraph (c)—

“(ca) for prescribing the procedure to be followed on an investigation pursuant to sections 12AA and 12A;
(cba) for prescribing the procedure to be followed on an enquiry pursuant to section 13; and”.

Repeals and replaces Schedule 1

Schedule 1 to the principal Act is repealed and replaced with the following—

"SCHEDULE 1

BERMUDA MEDICAL COUNCIL

1 (1) A member shall hold office for the period of three years (or such longer period as the Minister may determine), and a person may be so appointed who has previously been a member.

(2) A member (other than the Chief Medical Officer) may not at any time be appointed to a third consecutive term of membership, but, subject to that, a member may be re-appointed.

2 The Chairman or, in his absence, the Vice-Chairman, shall preside at any meeting of the Council.

3 A meeting of the Council may not be held unless three members of the Council, being members entitled to vote at meetings of the Council, and the Chief Medical Officer in addition, are present.

4 (1) The Council shall meet as often as may be necessary for them to dispatch their business under this Act.

(2) There shall not be less than two Council meetings in a calendar year.

5 A minute shall be made of every meeting of the Council in such form as the Minister may direct.

6 All acts of the Council shall be decided by the votes of a majority of members present at any meeting so, however, that—

(a) if the votes are equal, the person presiding shall have, in addition to his vote as a member of the Council, a casting vote; and
(b) neither the Chief Medical Officer nor either of the members of the Council appointed under section 5(3)(b) shall have a vote.

7. (1) A member of the Council shall advise the Chairman if he is personally acquainted with any matter before the Council and may, with the leave of the Chairman, withdraw on that ground or for any other reason which the Chairman deems sufficient, and the Chairman may himself withdraw on any such ground.

(2) Where a member has so withdrawn, the Chairman may request the Minister to appoint some person to be a member of the Council for the purpose of those proceedings, and the Minister may, if he thinks fit, make such an appointment, whereupon the person so appointed shall be deemed to be a member of the Council for such purpose.

8. A member of the Council (other than the Chief Medical Officer) may resign his office at any time by giving notice in writing to the Minister of his resignation.

9. The Minister may declare the office of a member of the Council vacant if—

(a) the Minister is satisfied that the member is unable through mental or physical incapacity to perform the functions of his office; or

(b) the member has failed without adequate cause to attend three successive meetings of the Council.

10. Where a member's place becomes vacant before the expiration of his term, the vacancy shall be filled in the same manner as that by which he became a member.

11. A person appointed or elected to fill the place of a member of the Council who vacates office before the expiry of his term of office shall hold office for so long only as the member whose place he fills would have held office.

12. Where a member of the Council vacates his office three months or less before the expiry of his term of office, the vacancy need not be filled.

13. (1) Subject to section 7 or 8 of this Act, the Council may, in its discretion, appoint from among its own members or from among other persons, such number of committees as it thinks fit for purposes which, in the opinion of the Council, would be more expeditiously carried out and managed by such committees.

(2) The Chairman of any committee appointed under subsection (1) shall be a member of the Council.

14. Subject to this Act, the Council may regulate their affairs and proceedings as they think fit."
MEDICAL PRACTITIONERS AMENDMENT ACT 2016

Repeals and replaces Schedule 2
23 Schedule 2 to the principal Act is repealed and replaced with the following—

"SCHEDULE 2

(Section 12AA(6))

MEDICAL PRACTITIONERS PROFESSIONAL CONDUCT COMMITTEE

1 The Committee shall consist of three members appointed by the Minister, as follows—

(a) one from a list of at least three registered medical practitioners in good standing nominated by the Bermuda Medical Doctors Association;

(b) one from a list of at least three registered medical practitioners in good standing nominated by the Council;

(c) one professionally qualified person who is not a registered medical practitioner.

2 A person who is a member of the Council may not be appointed as a member of the Committee.

3 Appointment as a member under paragraph 1 shall be made for a term not exceeding three years and a member is eligible for re-appointment.

4 The Minister may appoint a second person to act as alternate to a member appointed under paragraph 1.

5 An alternate member shall be appointed in accordance with the requirements for the appointment of the member, and his term of appointment shall, if not sooner terminated, end at the expiration of the term of the member.

6 The Minister shall appoint a member of the Committee to be the Chairman, who shall—

(a) preside at Committee meetings; and

(b) perform any other functions assigned to him in accordance with this Act.

7 If at any time the Chairman ceases to be a member of the Committee, or for any other reason ceases to be the Chairman, the Minister shall, as soon as may be, appoint from among the members of the Committee another person to be Chairman in his stead.

8 Three members of the Committee shall form a quorum at any meeting.
(1) Where any complaint is before the Committee, a member of the Committee shall advise the Chairman if he is personally acquainted with the facts of the case and may, with leave of the Chairman, withdraw on that ground or for any other reason which the Chairman deems sufficient; and the Chairman may himself withdraw on any such ground.

(2) Where a member has so withdrawn, the Chairman may request the Chairman of the Council to nominate a member of equal standing as the withdrawn member to be a member of the Committee for the purpose of those proceedings, and the Minister may make such appointment, whereupon the person so appointed shall be deemed to be a member of the Committee for such purpose.

A minute shall be made of every meeting of the Committee in such form as the Minister may direct.

Fees shall be paid to members of the Committee in accordance with the Government Authorities (Fees) Act 1971.

The validity of any act or proceedings of the Committee shall not be affected by any vacancy among the members of the Committee or by any defect in the appointment of a member of the Committee or of the Chairperson.

The Committee shall, not later than 31 January after the end of each calendar year, submit a report on its activities for the preceding year to the Council and the Chief Medical Officer.

A member of the Committee may resign his office at any time by giving notice in writing to the Minister of his resignation.

The Minister may declare the office of a member of the Committee vacant if—

(a) the Minister is satisfied that the member is unable through mental or physical incapacity to perform the functions of his office; or

(b) the member has failed without adequate cause to attend three successive meetings of the Committee.

Where a member's place becomes vacant before the expiration of his term, the vacancy shall be filled in the same manner as that by which he became a member.

A person appointed or selected to fill the place of a member of the Committee who vacates office before the expiry of his term of office shall hold office for so long only as the member whose place he fills would have held office.

Where a member of the Committee vacates his office three months or less before the expiry of his term of office, the vacancy need not be filled.
MEDICAL PRACTITIONERS AMENDMENT ACT 2016

19 Subject to this Act, the Committee shall regulate its own proceedings.”.

Consequential amendments

24 (1) The Government Authorities (Fees) Act 1971 is amended by inserting its proper alphabetical place—

“Medical Practitioners Professional Conduct Committee - established under section 12AA of the Medical Practitioners Act 1950”.

(2) The Nursing Act 1997 is amended in paragraph 1(2)(e) of the First Schedule by deleting “Bermuda Medical Society” and substituting “Bermuda Medical Doctors Association”.

(3) The Copyright (Recording for Archives)(Designated Classes and Bodies) Order 2014 is amended in paragraph 3 by deleting paragraphs (b) and (c) and substituting the following—

“(b) Bermuda Medical Doctors Association”.

(4) The Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988 is amended in the last paragraph of the Schedule by deleting “Bermuda Medical Society” and substituting “Bermuda Medical Doctors Association”.

(5) The Public Health (Hospitals) Regulations 2002 are amended in regulation 7(1) by deleting the words “Bermuda Medical Society and the Bermuda Medical Association” and substituting “Bermuda Medical Doctors Association”.

Transitional

25 Where a Government Medical Officer—

(a) is deemed by subsection (1) of section 11 of the principal Act (as it is immediately before its repeal by section 11 of this Act) to be a registered medical practitioner; and

(b) at the coming into operation of this Act, has not yet passed a qualifying examination,

notwithstanding section 11 of this Act, section 11 of the principal Act (as it is immediately before the coming into operation of this Act) shall continue to apply to the Government Medical Officer and, for the avoidance of doubt, he continues to be required to pass a qualifying examination by no later than 18 months after his initial registration.

Commencement

26 This Act shall come into operation on such day as the Minister may appoint by notice in the Gazette.
MEDICAL PRACTITIONERS AMENDMENT BILL 2016

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Medical Practitioners Act 1950 (“the principal Act”) to update registration, investigation, complaints and enquiry procedures, to provide a code of conduct for medical practitioners and to update the appeals process.

Clause 1 provides the title of the Bill.

Clause 2 amends section 1 of the principal Act to remove the definitions for the previous two professional bodies and include a definition for the new body. The definition of professional misconduct is also amended.

Clause 3 amends section 5 of the principal Act to remove the body corporate status of the Bermuda Medical Council (“the Council”) and to update how members are appointed to the Council.

Clause 4 inserts sections 5AA and 5AB into the principal Act to protect members of the Council from personal liability and establishes the preparation of a code of conduct for medical practitioners by the Council.

Clause 5 repeals section 5A of the principal Act. The provisions of section 5A are moved and reinserted, with amendments, as section 12AA.

Clause 6 repeals section 5B of the principal Act.

Clause 7 amends section 7 of the principal Act to provide that a person can appeal to the Supreme Court, not the Cabinet, against a decision by the Council regarding registration.

Clause 8 amends section 7B of the principal Act to provide more stringent guidelines for re-registration and to allow a person to appeal to the Supreme Court against a decision made by the Council.

Clause 9 amends section 8 of the principal Act by deleting references, in relation to appeals, to “Cabinet” and substituting “Supreme Court”.

Clause 10 amends section 10(1) of the principal Act to provide that, where an applicant for registration pays the application fee but does not subsequently take a qualifying examination, the fee shall not be refunded to him. Currently one half of the fee is refunded to him.

Clause 11 amends section 11 of the principal Act by repealing subsections (1) and (2) which currently allow a Government Medical Officer a period of eighteen months from his initial registration within which to pass the qualifying examination.

Clause 12 inserts section 12AA which provides for the Committee, the Medical Practitioners Professional Conduct Committee, to investigate complaints against registered persons.
Clause 13 repeals and replaces section 12A of the principal Act to provide the procedure for investigations of complaints by the Committee, the reporting of its finding, and the making certain recommendations, to the Council.

Clause 14 repeals and replaces section 13 of the principal Act which provides for an enquiry by the Council into complaints against registered persons.

Clause 15 amends section 13A to provide that the Chief of Staff of the hospital must inform the Chief Medical Officer if there is a report of an impaired registered person at the hospital.

Clause 16 amends section 14 to increase the number of days the Permanent Secretary has before striking a person off the register.

Clause 17 amends section 17 of the principal Act to provide that a medical practitioner suspended from practice must surrender his or her certification of registration to the Permanent Secretary.

Clause 18 amends section 22 of the principal Act to update how and when the Council is able to authorise a locum tenens to practice in Bermuda.

Clause 19 repeals and replaces section 25 of the principal Act to update the appeals process.

Clause 20 amends section 29A of the principal Act to change the month in which the Council must provide its annual report.

Clause 21 amends section 30 of the principal Act to enable the Minister to make regulations prescribing the procedure to be followed on an investigation by the Committee or an enquiry by the Council.

Clause 22 repeals and replaces Schedule 1 to update the provisions on the proceedings and other matters of the Council.

Clause 23 repeals and replaces Schedule 2 to update the provisions on the proceedings and other matters of the Committee.

Clause 24 makes consequential amendments to provide that the Committee will be remunerated, as are other professional committees, under the Government Authorities (Fees) Act 1971, and to other legislation to remove references to the previous bodies and reflect the new association.

Clause 25 provides a transitional.

Clause 26 provides the commencement of the Bill.