

A BILL

An Act to provide for the licensing and regulation [**registration and licensing**] of the practice of [*Profession*] in [*Country*]

Comment:

An Act always has a long title to indicate the nature of the legislative measure and tell the members of Parliament what the Bill is about. The long title would determine the scope of the Bill

Enactment

ENACTED by the Parliament of [*Country*] as follows:

Comment:

The enacting formula would vary according to the constitution and country requirements.

Short Title

1. This Act may be cited as the [] Act, 2008.

Comment:

Member State may entitle the Act as they see fit.

PART I GENERAL

Interpretation

2. In this Act-

“CARICOM national” means a person who:

- (a) is a citizen of a Member State; or
- (b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration;

“member” means a person appointed under this Act to hold office in the [profession] Council;

Comment: *Member States will use the terminology that they choose.*

“Member State” means a Member State of the Caribbean Community including the CARICOM Single Market and Economy (CSME) established by the Revised Treaty of Chaguaramas signed in Nassau Bahamas on the 5th July, 2001;

“Minister” means the member of Parliament to whom responsibility for [] is assigned;

Comment:

Member State will use the phrase that is used in their legislation when referring to a Minister

“Professional Licence” means a licence issued under section 15;

“[Profession] Full Register” means the published list of persons listed to practise *[profession]* in *[Country]*; and

“Register” means the [Profession] Full Register required to be kept under section 30.

PART II [PROFESSION] COUNCIL

Establishment
and composition
of *[Profession]*
Council

3.(1) There is hereby established a body corporate to be known as the [Profession] Council (hereinafter referred to as “the Council”) who shall be responsible for the licensing and regulation of *[profession]* in *[country]*.

(2) The Council established under subsection (1) shall consist of members appointed by the *[Minister]* *[President on the recommendation of the Minister]* as follows:

- (a) members *[nominated]* *[elected]* by the [Profession] Association; and
- (b) members who are not of the [Profession] profession.

(3) The Council shall elect from amongst its members-

- (a) a Chairman;
- (b) a Vice Chairman;
- (c) a Treasurer;
- (d) a Registrar-Secretary; and
- (e) such other officers as it thinks fit.

(4) The Council may appoint such committees of its members as it thinks fit for carrying out its functions and may delegate any of its functions to any such committee.

Comment:

States are free to determine how they wish to name or to establish their registration and licencing body. States are also free to determine the composition of their body.

Functions of the
Council

4.(1) The functions of the Council are-

- (a) to register and license persons who are fit and proper persons and possess the prescribed qualifications and experience;
- (b) prescribe the qualifications necessary in respect of *[professional]*;
- (c) monitor adherence to and investigate breaches of the Code of Ethics;
- (d) cause disciplinary proceedings to be taken in accordance with the provisions of this Act;

- (e) advise the Minister with respect to amendments to the law relating to [*Profession*] as it considers necessary;
- (f) prescribe requirements for the continuing professional development of [*Profession*]; and
- (g) perform such other functions as may be conferred on it by this Act or any other law.

(2) Notwithstanding subsection (1), the Minister may give written directions to the Council concerning any of its functions where the Minister is satisfied that it is necessary to give the direction in the public interest because of exceptional circumstances. **[and the Council shall comply with such direction.]**

Powers of the Council

5. The Council shall have the power to-
- (a) register [professionals] the holders of relevant qualifications to practise [*profession*];
 - (b) issue [*profession*] licences to the holders of relevant qualifications to practise [*profession*];
 - (c) suspend or revoke the registration of a [profession]
 - (d) suspend the licence of a [*profession*];
 - (e) add or remove names of persons listed on the [*profession*] Register;
 - (f) collect monies as payment for fees required to be paid under this Act;
 - (g) make rules or regulations as it considers necessary for carrying out the purposes of this Act;
 - (h) hold property.

Tenure of office

6.(1) A member shall hold office for a period of three years and shall be eligible for re-appointment.

(2) No person appointed under section 3 shall be appointed for more than two consecutive terms.

- (3) The office of a member shall become vacant where-
- (a) he dies;
 - (b) his term of office expires;
 - (c) he resigns by written notice to the [*Minister*] [*President*];
 - (d) he is removed by the [*Minister*] [*President*] where he-
 - (i) is unable to function because of physical or mental illness;
 - (ii) is absent from three consecutive meetings of the Council without the permission of the Chairman;
 - (iii) is sentenced to imprisonment without the option of fine or is convicted of an offence involving dishonesty;

- (iv) is declared bankrupt in accordance with the laws of [country];
- (v) is disqualified or suspended otherwise than at his own request, from practicing his profession in [country] or any other country by an order of any competent Council;
- (vi) contravenes this Act.

(4) Where a member, is by reason of illness or otherwise, unable to perform this functions or unable to attend meetings of the Council, appoint another suitably qualified person to act as an alternate member for the unexpired portion of the term of the predecessor on the recommendation of the Council.

(5) Upon the request of the Council, the Minister may appoint an appropriate person to be an alternate of the nominated member and that person, while acting in the absence of the member shall be deemed to be a member of the Council and shall enjoy all the powers, rights and privileges of that member.

(6) The appointment or termination of membership of the Council whether by death, resignation, revocation or otherwise shall be published in the *Gazette*.

(8) Notwithstanding any defect in the appointment of any of its members, the Council shall be deemed to be properly constituted.

(9) Notwithstanding that the term of office of an appointed member may have expired he shall, unless he sooner vacates his office under subsection (3), continue in office until his successor is appointed.

Comment:

Member States are free to use the Council they wish to do the appointments.

Remuneration
of the Council

7. The Council shall pay its members such remuneration as the Minister approves.

Comment:

Member States are free to use the Council they wish to do the appointments.

Seal of the
Council

8.(1) The seal of the Council shall be kept in the custody of the Chairman and shall be authenticated by the Chairman and one other member of the Council authorized by the Council to act in that behalf.

(2) All documents other than those required by law to be under seal, made by, and under all decisions of the Council may be signified under the hand of the Chairman.

Meetings of the
Council

9.(1) The Council shall meet at least once every month at a time and place to be fixed by the Council and not less than seven days notice of any meeting together with an agenda shall be given to members of the Council.

(2) The Chairman may at any time convene an emergency meeting whenever he thinks it necessary to do so.

Quorum

10. At any meeting of the Council, a quorum is constituted where at least [x] members are present and the decisions of the Council shall be by a majority of the votes of members present and voting.

Liability of the Council

11. No member of the Council is personally liable in any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the exercise or discharge or purported exercise or discharge of any duty or function under this Act.

Transitional

12. Pending the re-constitution of the Council in accordance with section 3, the Council shall consist of those persons who immediately prior to the commencement of this Act, were members of the Council under the [former Act] of whom [x] shall constitute a quorum.

Comment:

Member States will indicate their existing legislation to be repealed where one exists.

PART III REGISTRATION

Application for licence to practise

13.(1) No person shall practise [profession] in [Country] unless he is registered under this Act and holds a valid licence issued under this Act.

(2) Where a person wishes to be registered to practise [profession] in [country] he shall-

- (a) apply to the Council in the prescribed form;
- (b) pay the prescribed fee; and
- (c) satisfy the requirements of this Act.

(3) An application under subsection (1) shall be accompanied by-

- (a) evidence of the qualifications of the applicant;
- (b) proof of identity of the applicant;
- (c) proof that the applicant is a fit and proper person to practise [profession] in [country];
- (d) a certificate of good standing from the applicant's previous registering body, where applicable; and
- (e) such other information as the Council may require.

Qualification requirements to be licenced

14. An applicant under section 13 shall –

- (a) hold a *degree* granted by an accredited university within the Community;
- (b) hold a *degree* granted by an accredited university or school

- of [profession] that in the opinion of the Council, is evidence of satisfactory training in [profession]; or
- (c) have not less than four years of experience in [profession], as the Council approves.

Issue of [
] Licence to Practise

15. (1) An applicant under section 13 who satisfies the Council that he -

- (a) can read, write, speak and understand the [English][Dutch][French] language;
- (b) is qualified to be so licenced; and
- (c) is a fit and proper person to practise [profession] in [country],

shall upon compliance with the requirements of this Act be entitled to be licenced to practise [profession] within [x] days of the receipt of the application by the Council, together with all information required to be submitted to the Council under section 7.

Comment: It may be necessary to use another language in respect of Suriname and Haiti.

(2) Where an applicant under this Act is a CARICOM national, the [profession] Council shall not refuse to issue a licence to practise [profession] on the basis that the applicant is not a national of [country].

[(3) A person who was registered as a [profession] under the former Act immediately prior to the commencement of this Act shall be entitled to be registered under this Act without application on the part of such person, and pending entry of his name on the appropriate Register shall be deemed to be duly registered.]

[(3) A person who was recognised by the [Professional] Association as a [profession] immediately prior to the commencement of this Act shall be entitled to be registered under this Act without application on the part of such person, and pending entry of his name on the Register shall be deemed to be duly registered.]

Limitations of Licence issued to a non-CARICOM national

16.(1) Where an applicant under this Act is not a CARICOM national, a [profession] licence granted under this Act, shall be subject to such limitations as the Council may determine.

(2) Notwithstanding the generality of subsection (1), the Council may limit a [profession] licence of a non-CARICOM national to a particular geographical area in [country].

Comment:

Member States may only limit the registration to practise of a non-CARICOM national where they have not bound the sector at WTO.

Registered [profession] entitled to practise

17. A person registered under this Act shall be entitled-
- (a) to receive a certificate to practise [profession] in [country];

[*profession*]

- (b) to demand and recover reasonable remuneration for [*profession*] services rendered;
- (c) to use the title [*“Profession”*] or any abbreviation thereof against his name.

have his name entered in the [*profession’s*] Register.

Refusal to issue [*Profession*]Licence

18. A [*Profession*] Licence shall not be refused except on one or more of the following grounds-

- (a) that satisfactory evidence of continuing education as required by this Act has not been produced; or
- (b) that the applicant has not complied with the provisions of any regulations made under this Act with respect to applications for [*Profession*]Licences.

Validity and revocation of [*Profession*]Licence

19. (1) A [*Profession*] Licence issued under this Part shall remain valid for [x] years unless revoked or suspended.

(2) The Council may revoke a [*Profession*]Licence granted under this Act where the holder has -

- (a) been convicted for an offence under this Act;
- (b) refused to comply with the provisions of any regulations made under this Act in respect of the use of his [*Profession*] Licence;

Licence revoked to be surrendered

20. Where the Council revokes or suspends a [*Profession*]Licence, the revocation shall take effect from such date as the Council may direct and thereupon the [*Profession*]Licence shall be returned and cancelled, and any person refusing or neglecting to give up his [*Profession*]Licence commits an offence.

Re-registration after removal from Register

21. Where a [*Profession*]Licence has been revoked under section 20, the former holder of such [*Profession*]Licence may only apply for re-registration after a period of [x] [years/months] from the date of such removal.

Appeal against suspension or revocation of [*Profession*] licence

22.(1) Where a person is aggrieved by the decision of the Council to revoke or suspend his [*Profession*]Licence or by the refusal or failure to renew his [*Profession*]Licence, he may appeal to a judge in Chambers.

(2) A judge on hearing an application under subsection (1) may confirm or reverse the suspension or revocation of the [*Profession*]Licence or make such order in the case as seems just and his decision shall be final.

Form of Licence Schedule 1

23. A [*Profession*]Licence shall be in the form set out in Schedule 1.

Display of Licence

24. The holder of [*Profession*]Licence shall display such [*Profession*]Licence in a place in the facility where he operates, that is normally accessible to the public and that is not obscured.

Recovery of fees and costs

25. (1) A registered and licenced [*profession*] or the holder of a temporary [*profession*] Licence is entitled to demand and recover in any Court, with full costs of suit, his reasonable charges for professional services.

(2) No person claiming to be, or describing himself as or acting in the capacity of a [*professional*] shall be allowed to recover in any Court any fees or charges for services unless he is registered and licenced under this Act or is the holder of a temporary [*profession*] Licence issued under this Act.

Limitation of actions

26. No person registered under this Act or the holder of a temporary Licence issued under this Act shall be liable to any action for negligence or malpractise in respect of professional services requested or rendered unless such action is commenced within one year from the date in which such professional services terminated.

Certificate to be signed by registered [*profession*]

27. Upon commencement of this Act, no certificate required by any written law to be signed by [*profession*] shall be valid unless the person signing it is registered under this Act.

Additional qualifications

28. A registered [*profession*] who has obtained a higher degree or qualification other than the qualifications in respect of which he has been registered is entitled to have that higher degree or qualification inserted in the register in substitution for, or in addition to the qualifications previously registered.

Appeals

29. An appeal against any decision made by the Council other than a decision with respect to the entitlement of a person to be registered under section shall lie to a Judge in chambers and every such appeal shall be made within such time and in such form and shall be heard in such manner as may be prescribed by rules of Court.

[] Register

30. (1) The Council shall keep a [*profession*] Register to be known as the Register and cause to be entered the name of every person entitled to be registered under section 13, together with the following particulars in respect of each person:

- (a) his full name and address;
- (b) the date of his registration; and
- (c) a description and date of the qualification in respect of which he is registered and such other degrees and certificates to which he is entitled.

(2) The [*profession*] Register shall at all reasonable times be open to inspection at the office of the [*profession*] Council.

(3) Subject to subsection 4 no person whose name is not entered on the [profession] register shall be deemed for the purpose of practicing [profession] in [Country].

[(4) A person who was registered as [professional] under the former Act immediately prior to the commencement of this Act shall be entitled to be registered under this Act without application on the part of such person, and pending entry of his name on the [profession] Register shall be deemed to be duly registered.]

[(4) A person who was recognised by [profession] Association as a [profession] immediately prior to the commencement of this Act shall be entitled to be registered under this Act without application on the part of such person, and pending entry of his name on the [profession] Register shall be deemed to be duly registered.]

(5) The [profession] Council may, at any time, restore to the [profession] Register any name removed therefrom.

(6) Where the name of a person is removed from the [profession] Register, the [profession] Council may, in writing, require such person to return his [profession] Licence to practise and such person shall comply with that requirement.

Erasure of incorrect or fraudulent entry

31. The [profession] Council shall cause to be erased from the Register any entry which has been incorrectly or fraudulently made.

Certificate of (Post in [profession] Council) to be prima facie evidence

32.(1) In all cases where proof of registration or of the issue of a temporary [profession] Licence is required to be made, the production of a Certificate showing that the person therein named is duly registered or is the holder of a temporary [profession] Licence, certified under the hand of the (Post in [profession] Council) shall be sufficient evidence in all Courts of the registration of such person, or of the issue to him of a temporary [profession] Licence as the case may be.

(2) The production of the original [profession] Register shall not be required where a Certificate under subsection (1) is produced and such certificate shall be accepted without proof that the person signing as the (Post in [profession] Council) is the (Post in [profession] Council).

Publication of Lists

33.(1) The [profession] Council shall cause to be published in the Gazette-
(a) in the month of February of every year, an alphabetical list of persons who have at the 31st January in that year obtained a [profession] Licence to Practise; and
(b) as soon as practicable after he obtains a [profession] Licence to Practise, the name of any person obtaining a [profession].

(2) A copy of the *Gazette* containing the list referred to in subsection (1)(a) or the name of the person published pursuant to subsection (1)(b) shall in the absence of proof to the contrary be prima facie evidence of the registration on the [profession] Register or the issue of a temporary [profession] Licence to practise to any person named therein as the case may be, and of the qualification of such person and of the non-registration of any person who is not therein named.

Prohibitions on the practise of [profession]

34. (1) No person may practise [profession] in [Country] unless he holds a [profession] Licence to so practise issued by the Council.

(2) A person who practices [profession] without a [profession] Licence issued under this Act commits an offence.

(3) A person who fraudulently holds himself out to be the holder of a valid [profession] Licence under this Act commits an offence.

Renewal of [professions] Licence to [practise]

35. (1) A person who is registered in the [profession] Register and who desires to practise [profession] in any year shall in the month of January of that year, apply to the [profession] Council for a Licence to be called [profession] Licence to Practise, and the [profession] Council shall on payment of the annual licence fee issue to him a [profession] Licence to Practise.

(2) A [profession] Licence to practise is valid for the year in which it is issued and expires on the 31st January of the ensuing year.

Revocation or suspension of [profession] Licence to Practise of non-CARICOM national

36. The Council may suspend or revoke the [profession] Licence to Practise issued by it to a [professional] where it believes that a situation exists within the [profession] which reduces the consumer base of CARICOM nationals registered to practise [profession] in [country].

PART IV DISCIPLINE

[profession] Disciplinary Committee

37. (1) For the purpose of this Act, there is hereby established a Committee, to be known as the [profession] Disciplinary Committee, which shall be charged with the duty of upholding standards of professional conduct.

(2) The [profession] Disciplinary Committee established under subsection (1) shall comprise [#] [profession] nominated by the [profession] Association and of whom at least [#] shall be registered at least [#] years prior to the practise of [profession] in [country].

(3) There shall be a Chairman and a Deputy Chairman of the [profession]

Disciplinary Committee who shall be elected by the Committee from among the members who have been registered to so practise for at least [x] years prior.

(4) A member may at any time resign his office by letter addressed to the Chairman of the [profession] Disciplinary Committee.

(5) The [profession] Association may by instrument in writing addressed to the Chairman revoke the appointment of a member of the [profession] Disciplinary Committee.

(6) Where a vacancy occurs in the membership of the [profession] Disciplinary Committee such vacancy shall be filled by the nomination of another member of the [profession] Association who shall, hold office for the remainder of the period for which the previous member was nominated, and the nomination shall be made in the same manner and from the same category of persons as the nomination of the previous member.

(7) The [profession] Council shall cause the names of all members of the [profession] Disciplinary Committee as first constituted and every change in the membership thereof to be published in the *Gazette*.

Proceedings of
[profession]
Disciplinary
Committee

38. (1) The [profession] Disciplinary Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as it thinks fit.

(2) The Chairman or in his absence the Deputy Chairman, shall preside at meetings of the [profession] Disciplinary Committee.

(3) Where at any meeting of the [profession] Disciplinary Committee, the Chairman and Deputy Chairman of the [profession] Disciplinary Committee are absent, the members present may elect one of their members, registered to practise at least [#] years to act as Chairman at that meeting.

(4) The quorum of the [profession] Disciplinary Committee shall be [#] members at least of whom shall be registered to practise for at least [#] of years.

(5) The validity of any proceeding of the [profession] Disciplinary Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Complaints to
[profession]
Disciplinary
Committee

39. (1) A person alleging himself to be aggrieved by an act of professional misconduct committed by a [profession] Licenced/registered under this Act may apply to the [profession] Disciplinary Committee to require the [profession] to answer allegations contained in an affidavit made by such person, and any member of the [profession] Association may make a similar application to the [profession] Disciplinary Committee in respect of allegations concerning –

- (a) any professional misconduct including misconduct which, in pursuance of rules made by the [profession] Disciplinary Committee under section 30 is to be treated as grave professional misconduct; and
- (b) any such criminal offence as may for the purposes of this section be prescribed.

(2) An application under subsection (1) shall be made to and heard by the Committee in accordance with rules made under section 30.

Rules of
Procedure for
[profession]
Disciplinary
Committee

40. (1) The [profession] Disciplinary Committee may make rules regulating the presentation, hearing and determination of applications to the [profession] Disciplinary Committee under this Act.

[(2) For the purpose of any application made to it under this Act, the [profession] Disciplinary Committee shall have the powers of the High Court to summon witnesses, call for the production of books and documents and examine witnesses and parties concerned on oath.]

(3) Notwithstanding the generality of subsection (1), the [profession] Disciplinary Committee may make rules –

- (a) prescribing standards of professional etiquette and professional conduct of [profession] and may by such rules direct that any specified breach of the rules shall constitute grave professional misconduct; and
- (b) prescribing anything which may be or is required to be prescribed by the [profession] Disciplinary Committee under this Part.

(4) Without restricting the power of the [profession] Council to direct any specified branch of the rules as grave professional misconduct, grave professional misconduct shall be deemed to be committed where a [professional]-

- (a) willfully betrays a professional confidence;
- (b) impersonates another [professional];
- (c) directly or indirectly holds himself out as being specially qualified in any particular branch of [profession] and who has not taken a special course in such branch and received a certificate of specialty therein which is recognised by the [profession] Council; and
- (d) does or fails to do any act or thing, the doing of which or the failure to do which the [profession] Council considers to be unprofessional or discreditable.

Report to the
Council

41. (1) Where the [profession] Disciplinary Committee decides after hearing an application under this Part, that a case of professional misconduct has

been made out against [a[*profession*]] the [profession] Disciplinary Committee shall within [#] days of its decision forward to the [profession] Council a report of its findings with the reason for its decision, and any recommendations in relation thereto, as it thinks just, in accordance with subsection (2).

(2) The [*profession*] Disciplinary Committee may make a recommendation, under subsection (1), as to –

- (a) removing from the Register the name of the [*professional*] to whom the application relates;
- (b) suspending the Licence to Practise of the [*professional*], to whom the application relates on such conditions as it may determine;
- (c) imposing on the [*professional*] to whom the application relates, such fine as considered relevant; [[or] [and]]
- (d) subjecting the [*professional*] to whom the application relates to a reprimand.

Consideration
of Report of
[profession]
Disciplinary
Committee by
Court

42. The Council on consideration of any report submitted by the [profession] Disciplinary Committee may –

- (a) dismiss the application;
- (b) remove the name of the [*professional*] from the [*profession*] Register;
- (c) suspend the Licence to practise of the [*professional*] for such period not exceeding [#] years;
- (d) impose on the [*professional*] to whom the report relates such fine as it thinks fit; or
- (e) reprimand the [*professional*].

Discipline for
breaches

43.(1) Where a registered [*professional*] or holder of a temporary [*profession*] Licence has either before or after he is registered or licenced under this Act been convicted in any place outside of [country] would be punishable on indictment, or is guilty of grave professional misconduct such [*professional*] shall be liable to be dealt with in the manner set out in this Part.

(2) Where the [*profession*] Council finds after due enquiry that a [*profession*] is suffering from a physical or mental condition that might if he continues to practise constitute a danger to the public, the Council may suspend such [*professional*] from practicing until such time as in the opinion of the [*profession*] Council, he is able to resume practise.

Council to
remove name
from
[profession]
Register

44. (1) Where the [*profession*] Council has decided to –

- (a) suspend the [*profession*] Licence to Practise of a [*professional*]
or
- (b) remove the name of such [*professional*] from the Register,

such suspension or removal shall be published in the Gazette.

(2) Where the name of a [professional] has been removed from the Register any Licence to Practise issued to him by the Council shall cease to be valid.

(3) During the period of suspension of a [*Professional*] Licence of a [*professional*], such [*Professional*] Licence shall cease to be valid for the period of such suspension.

Voluntary
removal of
name from
[*profession*]
Register

45. A [*professional*] registered under this Act may procure the removal of his name from the [*profession*] Register upon application to the Council.

PART V OFFENCES AND PENALTIES

Offences and
penalties

46. (1) A person who-

- (a) fraudulently procures or attempts to procure the registration under this Act of himself or any other person by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing;
- (b) fraudulently makes, causes or permits to be made-
 - (i) any false or incorrect entry or copy of an entry in the register;
 - (ii) any alteration in any entry or copy of an entry on the register;
- (a) not being a registered [*profession*] –
 - (i) practises [*profession*] for which he demands or receives a fee, gratuity or remuneration in [*country*];
 - (ii) pretends to be a registered [*profession*];
 - (iii) makes use of the name or title of [*profession*] or any other name, title, addition, designation or description implying or calculated to lead persons to believe that he is a registered [*profession*] or licenced under the Act or that he is recognised by law as a [*professional*],

commits of an offence under this Act.

(2) In any prosecution under this Act, it shall be sufficient proof of an offence under this section where it is proved that the accused had done or committed a single act of unauthorized practise or has committed on one occasion any act prohibited hereunder.

(3) Where a person while suspended from practicing [*profession*] or

whose name has been removed from the Register –

- (a) practices [*profession*]
- (b) willfully pretends to be entitled to practise [*profession*]; or
- (c) willfully makes use of any name, title or description implying or calculated to lead persons to believe that that he is registered or licenced under this Act or that entitled to be recognized or to act as a [*professional*],

commits an offence and is liable on summary conviction to a fine of [] or to imprisonment for [#] years.

(4) A person who after the month of January in any year practices [*profession*] without first obtaining a [*profession*] Licence to Practise, commits an offence and is liable on summary conviction to a fine of [\$x] and to a further fine of [\$x] for every day on which the offence continues after conviction thereof.

Advertisement
or holding out
by unauthorized
persons

47.(1) No person who is not registered or the holder of a temporary [*profession*] Licence issued under this Act shall, either directly or indirectly by advertisement, sign or make a statement of any kind written or oral, alleging or implying or stating that he is or holds himself out as being qualified able or willing to [*profession*].

(2) Subsection (1) shall not apply to -

- (a) any person who is registered or licenced under any other Act, and under the Council thereof, performs or provides any service which he is authorized or entitled to perform thereunder; or
- (b) any person performing any such service under the Council and supervision of any other person so registered or licenced where permitted or authorized by such Act.

(3) A person who contravenes this section commits an offence.

Professional
misconduct

48. Where a registered [*profession*] has been found guilty of professional misconduct, the Council may, in addition to any other penalty prescribed in Regulations made under this Act, impose on that [*profession*] a fine of [X] dollars.

Penalties where
none
specifically
provided

49. A person who commits an offence under this Act for which no specific penalty is provided is liable on summary conviction to a [fine of [X] dollars and imprisonment for a term of [#] years].

PART VI MISCELLANEOUS

Regulations

50. The Minister may with the approval of the Council make regulations

for-

- (a) carrying out the purposes of this Act;
- (b) prescribing forms required to be prescribed under this Act;
- (c) prescribing fees required to be prescribed under this Act;
- (d) regulating the condition of [*profession*]practise in [*country*];
- (e) prescribing the procedures with respect to disciplinary proceedings against [*profession*] In relation tom professional misconduct;
- (f) the determination of the professional qualification and experience required of an applicant for registration or for a temporary [*profession*] Licence and proof of professional conduct and general fitness to practise [*profession*];
- (g) carrying into effect generally the purposes for which the Council is constituted.

Monies of the
[*profession*]
Council

51. The funds and resources of the Council shall consist of-
- (a) monies appropriated by Parliament for the purpose of the Council;
 - (b) monies paid to the Council in respect of fees due under this Act.

Passed in the House of Representatives this day of , 2004

Clerk of the House of Representatives

Passed in the Senate this day of , 2004

Clerk of the Senate.