

THE UNITED REPUBLIC OF TANZANIA



No. 26 OF 1991

I ASSENT,

A. H. MWINYI

President

9TH APRIL, 1992

An Act to amend the Private Hospitals (Regulation) Act, 1977, to make provision for the management of private hospitals by individuals and organisations.

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ENACTED by the Parliament of the United Republic of Tanzania.

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| 1. This Act may be cited as the Private Hospitals (Regulation) (Amendment) Act, 1991 and shall be read as one with the Private Hospitals (Regulation) (Act, 1477, in this Act referred to as "the principal Act". | short title and Construction |
| 2. The principal Act is hereby amended in the long title by inserting immediately after the word "approved" the phrase "persons and". | Amendment of long title |
| 3. Section 3 of the principal Act is hereby amended in subsection (1)-
(a) by adding immediately after the definition "approved organization" the following:
"approved person" means a duly qualified medical practitioner or dentist approved by the Minister pursuant to Section 613 to manage a private hospital in accordance with the provisions of this Act; | Amendment Of section 3 |
| (b) by adding immediately after the definition "approved person" the following definition:
""the Board" means the Private Hospitals Advisory Board established by section 6A;". | |

Amend-
Mont of
section 4

4. Section 4 of the principal Act is hereby amended by deleting subsection (2) and substituting for it the following:

-(2) The Registrar shall perform the duties prescribed in relation to his office by or under this Act and shall discharge such other functions and duties as the Minister or the Board may direct or prescribe by regulations made under this Act."

Repeal
and
replace-
ment of
section 5

5. Section 5 of the principal Act is hereby repealed and replaced by the following:

-Restriction on management of private hospitals

5.-(1) No individual shall manage or cause to be managed any private hospital unless -

- (a) he does so on behalf of an approved organisation; or
- (b) he is an approved person.

(2) No individual or organization shall manage any private hospital unless he is an approved person or approved organization and there is subsisting in respect of the hospital and the individual valid registration made in accordance with the provisions of this Act.

(3) Any person who contravenes or fails or refuses to comply with the provisions of this section is guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding five years or to both that fine and imprisonment."

Amendment of Section 6

6. Section 6 of the principal Act is hereby amended by:

- (a) deleting the whole of Subsection (1) and substituting for it the following:

"(1) Subject to the other provisions of this Act, the Minister may, on receipt of an application, approve or renew the approval of any organization for the purpose of the management by that organization of a private hospital";

- (b) deleting subsection (2) and (3);

- (c) renumbering subsections (4), (5) and (6) as subsections (2), (3) and (4).

Addition of new Sections 6A, 6B, 6C and 6D

7. The principal Act is hereby amended by adding immediately after ' section 6 the following sections:

"The Board

6A.--(I) There is hereby established a Board to be known as the Private Hospitals Advisory Board which shall, subject to this Act, be responsible to the Minister for the registration, control and regulation of the business of private hospitals and of persons and organisations running private hospitals.

- (2) The Board shall consist of-
- (a) the Chief Medical Officer, who shall be the Chairman;
 - (b) a legally qualified person nominated by the Attorney-General from amongst persons employed in the Attorney-General's Chambers;
 - (c) not more than five other members appointed by the Minister.

(3) In appointing members of the Board the Minister shall have regard to the need to appoint persons with such qualifications and experience in medicine and the conduct or management of public affairs as would enable them to contribute fully and effectively to the discharge of the functions of the Board.

(4) The Minister shall, by regulations to be published in the Gazette, provide for the constitution and proceedings of and other matters in relation to the Board.

- (5) The functions of the Board shall be-
- (a) to consider, decide upon and advise the Minister on all applications for approval made by individuals and organizations;
 - (b) to consider and advise the Minister on the suitability of any premises for a private hospital;
 - (c) to keep and maintain a register for the registration of approved persons; and
 - (d) subject to any directions of the Minister, to carry out such other functions as may be conferred upon, the Board by any written law or as are incidental to the performance of its functions under this Act.
- (6) The Registrar shall be the Secretary of the Board.

Power of Board to approve persons

6B.-(1) The Board shall, upon receipt of an application, consider it and advise the Minister whether or not the applicant is properly qualified for approval to manage a private hospital.

(2) The Minister shall by regulations under this section prescribe requirements which persons must fulfil in order to qualify for approval under this section, and such requirements may include the payment of a fee or fees.

(3) Save as the Minister may provide to otherwise in regulations made under subsection (2), the provisions of section 6(4), (5), (6) and section 7 and 8 shall apply, mutatis mutandis to the approval, registration and revocation of approval of persons as they apply to organizations."

Entitlement to practise for fees

6C. Every approved person and every approved organization shall, subject to this Act, be entitled to demand, sue, for, and recover in any court of competent jurisdiction with full

costs of suit, reasonable charges for professional aid, advice and visits and the value of any medicine or any medical or surgical or dental appliances rendered supplied.

No fees recoverable unless persons or organisations approved

6D. No person or organization shall be entitled to recover any charge in any court by way of claim, counter claim, set off or otherwise for any medical or surgical advice or attention or for the performance of any operation as or by a medical practitioner or dentist or for any medicine prescribed or supplied within the United Republic unless he or it is at the time approved as such under this Act."

Amendments of sections 9, 11, 13, 15, 16, 17, 18, 19, 23 and 26

8. The principal Act is hereby amended in sections 9, 11, 13, 15, 16, 17, 18, 19, 23 and 26 as follows-

- (a) in subsections (1), (2) and (3) of section 9 of the principal Act by adding the words "or approved person " after the words "approved organization" -
- (b) in paragraph (c) of section 11 (1) of the principal Act by adding the word "or person" immediately after the words "approved organization"
- (c) in paragraph. (a) of section 12 (5) of the principal Act by adding the words "and persons" immediately after the words "approved organizations";
- (d) in subsection (6) of section 13 of the principal Act by adding the words "or person" immediately after the word "organization"
- (e) in section 15 of the principal Act by deleting the words "fifteen thousand shillings" and substituting the words "one hundred and fifty thousand shillings-
- (f) in section 16 of the principal Act-
 - (a) in subsection (1) by adding immediately after the word "organization" the word "person";
 - (b) in subsection (3) by deleting the words "five thousand" and substituting the words "fifty thousand";
- (9) in subsections (1) and (2) of section 17 of the principal Act by adding immediately after the word "organization" the word "persons
- (4) in subsection (3) of section (18) of the principal Act by deleting the words "five thousand" and substituting the words "one hundred thousand";
- (i) in paragraphs (a) and (b) of subsection (5) of section 19 of the principal Act by adding immediately after the word "organization" the words "or person";

- (j) in subsection (3) of section 23 of the principal Act by deleting the words "five thousand" and substituting the words "fifty thousand";
- (k) in section 26 (c) by adding immediately after the word "organization" the words "or person"

Passed in the National Assembly on the fifth day of November, 1991.

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Clerk of the National Assembly