

THE HEALTH LABORATORY TECHNOLOGISTS REGISTRATION ACT, 1997

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1997

I ASSENT
Benjamin W. Mkapa
 President
 4th April, '97

An Act to provide for the Registration of Health Laboratory Technologists and to provide for related matters.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Health Laboratory Technologists Registration Act, 1997, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title
and com-
menc-
ment

2. In this Act unless the context requires otherwise—

“certificate” means a certificate of registration issued by the Council under section 9;

“committee” means a committee constituted in accordance with section 14 of this Act;

“Council” means the Health Laboratory Technologists Council established under section 3 of this Act;

“member” means a person appointed to be a Member of the Council;

“minister” means the Minister for the time being responsible for health;

“health laboratory technologist” means a person who is for the time being qualified to practise the health laboratory profession and who holds a certificate issued in accordance with this Act;

“institution” means any recognized training centre for health laboratory technologists leading to the award of a diploma to carry out laboratory investigations in clinical chemistry, haematology and blood transfusion, histopathology, and cytology, microbiology and immunology, parasitology and medical entomology; and any other laboratory medical speciality recognised by the council;

Interpre-
tation

"quality assessment" means the challenge of the efficiency of the quality control procedures by specimens of known content but undisclosed to the participating laboratory;

"quality control" means the procedures which are carried out in the laboratory in order to guarantee the quality of results;

"Register" means the register of technologists kept by the council under this Act;

"Registrar" means the Registrar of the Council appointed under section 5 and includes any person duly acting as, or on behalf of, the Registrar;

"supervisory authority" means any person appointed by the Council to be a supervisory authority over any registered health laboratory technologist whenever practising.

PART 11

ESTABLISHMENT AND FUNCTIONS OF THE HEALTH LABORATORY TECHNOLOGISTS COUNCIL

Estab-
lishment
of council

3.-(1) There is hereby established a Council to be known as the Health Laboratory Technologists Council.

(2) The First Schedule to this Act shall have effect as to the constitution and proceedings of the Council and other matters relating to the Council.

(3) The Minister may, by order published in the *Gazette*, appoint members according to the provisions of the First Schedule.

(4) The Minister may by order published in the *Gazette*, amend, vary or alter the First Schedule.

Functions
and pow-
ers
of
Council

4.-(1) The Council shall be the registering authority of all persons required to be registered under this Act and in particular shall-

- (a) keep and maintain the register of all health laboratory technologists;
- (b) issue to each registered health laboratory technologist a certificate of registration in the form of an extract from the appropriate register and which shall bear the seal of the Council;
- (c) publish annually in the Government Gazette as early in the year as possible and on such other occasions as it may deem fit the names and particulars of health laboratory technologists contained in the register;
- (d) publish annually in the *Gazette* as early in the year as possible and on other occasions as it may deem fit the names and particulars of supervisory authorities;
- (e) regulate the standards of conduct and activities of health laboratory technologists;

- (f) regulate standards and practice of the health laboratory profession;
- (g) cancel certificates and amend any particulars thereon and to replace any certificate proved to have been lost or destroyed;
- (h) advise the Government on matters concerning performance of health laboratories and health laboratory technologists;
- (i) order the removal from the register of the name of any health laboratory technologists:
 - (i) who has died,
 - (ii) who has been absent from the United Republic for a period of more than two years:

Provided that any person who has previously been registered in the United Republic and who has already paid the prescribed registration fee shall be eligible for registration without payment of further registration fee upon his return to the United Republic;

- (j) caution, order the suspension or termination from the practice or order for the removal from the register of the name of any registered health laboratory technologist for malpractice, negligence or misconduct or for disobeying any regulation made under this Act to restore to the register any name removed pursuant to paragraph (i);
- (k) prescribe the duties of the Registrar to the Council;
- (1) do any other act or perform any other duty necessary for carrying out of the functions under this Act or as may be conferred upon the council by any written law.
- (2) Where an Order is made under paragraph (h) of subsection (1) the council shall, in writing and by registered post, notify the affected person of its decision and furnish the reason for the decision.

5.-(1) The Minister may appoint a public officer to be the Registrar of the Council and may on his own motion or upon advise of the Council, replace any person so appointed.

Registrar

(2) The Registrar shall be the Secretary to the Council.

6. -(1) The Council shall, before acting in accordance with paragraph (h) of subsection (1) and subsection (2) of section 5 make due inquiry and upon such inquiry take or receive evidence, oral or in writing, from any person, either with or without oath or affirmation, and may examine any document, and for the purpose of the inquiry shall be deemed to have the power to summon witnesses and to call for production of documents and to enforce to the attendance of any person and the production of any document in the manner it may deem fit.

Inquiry

(2) At any inquiry under subsection (1), the Council shall give any health laboratory technologist to whom any malpractice, negligence, misconduct or disobedience is alleged an opportunity to appear before the Council and be heard, and be represented by an advocate.

Remuner-
ations of
the mem-
bers of the
Council

7. Members of the Council and any committee established by or under this Act, shall be paid such allowances as the Council may determine and in determining the allowance, the Council may make provision for the reimbursement of any reasonable expenses incurred in connection With the business of the council or committee.

Register

8.-(1) The Council shall keep and maintain a register of Health Laboratory which shall contain the names, addresses, qualifications and other particulars of all health laboratory technologists entitled to registration and the Registrar shall be charged with the custody of the register and the making of entries therein.

(2) The form of the register, the parts into which is to be divided, the particulars to be entered therein and the conditions for admission to the register and any part thereof shall be as may be prescribed or imposed by regulations made under this Act.

(3) A certificate under the hand of the Registrar shall be conclusive evidence of the fact and date of a person's registration.

(4) A certificate under the hand of the Registrar shall be conclusive evidence (if the fact that a registration has been removed from the register, and of date upon which such a person ceased to be registered.

PART III

REGISTRATION, ISSUANCE AND CANCELLATION OF CERTIFICATES

Condi-
tions for
registra-
tion

9.-(1) Subject to the provisions of this Act and any regulations made thereunder, a person shall be entitled on making an application to the Council in the manner prescribed in the second schedule to be registered as a health laboratory technologist and be issued with a certificate of registration if-

- (a) he is a holder of a health laboratory technology diploma or any other qualification recognized by the Council as being equivalent to a health laboratory diploma offered in Tanzania from an Institution recognized by the Council and has, after attaining such a diploma, worked in full time employment under the supervision of a duly registered health laboratory technologist in a recognized health laboratory for a period of not less than twelve months in such capacity and such circumstance as to satisfy the Council that he has acquired sufficient practical experience for the efficient practice of health laboratory investigation in Tanzania; or

- (b) he produces evidence to the satisfaction of the council that he is certified or registered or that he has been and is still entitled to be certified or registered as a health laboratory technologist in any country; or
- (c) he produces evidence to the satisfaction of the Council that he is certified or that he has been and is still entitled to be certified or registered as health laboratory technologist in any country which is not for the time being listed in the Third Schedule but is a country in which there was at the material time in force a law for the certification or registration of the health laboratory technologist and the Council is satisfied that the standard of training and examination required for such certification or registration in the said country is not inferior to the standard adopted by the Council;
- (d) he produces evidence to the satisfaction of the Councils
 - (i) that he is a person of good character;
 - (ii) that he has successfully completed a course of training as a health laboratory technologist of not less than three years duration in a country in which there was at the material time a law for the certification or registration of health laboratory technologists and the Council is satisfied that the standard of such training is not inferior to the standard adopted by the Council.

(2) If in either of the cases referred to in paragraph (c) and (d) of subsection (1), the Council is not so satisfied as therein specified, the person seeking registration may be required to pass an examination as the council shall direct.

(3) Any person registered under the provisions of this section may use the title "Tanzania Registered Health Laboratory Technologist" or with such modification, if any, appropriate to circumstances as may be prescribed by regulations made under this Act.

(4) The Minister may, by order published in the *Gazette*, amend, vary or alter the Third Schedule to this Act.

10.-(1) Where a person satisfies the Council that-

- (a) he is or intends to be employed in Tanzania in the capacity of a health laboratory technologist in a health laboratory or other institution approved by the council for purpose of this section; and
- (b) he is the holder of a diploma which is recognized for the time being by the council for the purpose of this section as furnishing a sufficient guarantee of the possession for the requisite knowledge and skill for the efficient practice of health laboratory technology; and

Tempor-
ary regist-
ration

(c) he is registered as such by the appropriate authorities in any country listed in the Third Schedule and whose qualifications entitle him to be registered in the other country; and

(d) he has after attaining such a diploma, worked in full time employment under the supervision of duly registered health laboratory technologist in a recognized health laboratory for a period not less than twelve months in such capacity and such circumstances as to satisfy the Council that he has acquired sufficient practical experience for the efficient practice of health laboratory sciences in Tanzania,

the council may, if it thinks, fit, give direction that such a person be registered and be issued with a temporary registration certificate.

(2) Registration of a person under this section shall continue only while he is in such employment as is mentioned in subsection, (1) and on its termination he shall cease to be registered under this section.

Provi-
sional Re-
gistration

11.-(1) Any person, who is not entitled to be registered by reason only of the fact that he has not complied with the additional requirements referred to in section 10 shall, if; upon application in the prescribed manner, he satisfies the Council that he has secured an offer for employment or training in the public service or by any person approved by the Council for the purpose of complying with the additional requirements, be entitled to be registered under this section and be issued with a provisional certificate.

(2) A person registered under this section, shall be deemed to be registered as far as is necessary to enable him to be employed or trained for the purposes of subsection (1) and while so employed or being trained, but not otherwise, may carry out the duties and responsibilities, exercise the rights and enjoy the privileges of a health laboratory technologist.

(3) The registration of a person under this section shall cease to have effect upon his being registered under section 10.

Form of
certificate

12. Every certificate issued under sections 10, 11 or 12 shall be in such Form as is prescribed in the First Schedule to this Act.

Appeal on
suspension or re-
moval of
name
from re-
gister

13. Any person, who considers himself aggrieved by the decision of the council suspending or terminating him from practice as a health laboratory technologist or removing his name from the register, may, within three calendar months from the notification to him of such decision appeal to a committee appointed by the Minister.

Commit-
tee

14.-(1) The Minister may appoint a Committee to determine appeals made under section 13 and give terms of reference and directions as to procedure or otherwise of the committee as he shall think fit.

(2) Any appeal to the Committee shall be presented by petition stating the facts and grounds of appeal and a copy thereof shall be served on the Registrar.

(3) On hearing any appeal under the provisions of this section, the committee shall have the like powers in relation to evidence, witnesses and documents as are conferred upon the Council by section 6 of this Act.

(4) The Committee may dismiss or allow any appeal, alter or vary the decision of the Council or make any other order as it may think just.

(5) The committee shall give to any health laboratory technologist who appeals an opportunity of appearing before the committee and being heard, and may in its discretion give audience to any other person on behalf of such health laboratory technologist.

15.-(1) Any person whose name has been ordered to be removed from the register under the provisions of section 5 and 13 shall, within three calendar months of the notification to him of such order surrender to the Council any certificate issued to him by the council.

Surrender
of Certifi-
cate

(2) Any person who without reasonable cause fails to comply with the provisions of subsection (1) commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings and the court before which he is convicted may order confiscation of the certificate.

16. Registration under this Act shall not confer upon any person any right to be licensed or registered under the Medical Practitioners and Dentists Ordinance or to assume any names, title or designation implying that he is by law authorized to practise medicine or surgery.

Registra-
tion not to
confer
rights of
qualified
medical
prac-
titioner or
Dentist

17.-(1) Where the Council is informed that it is proposed to appoint any person to carry out the duties of a health laboratory technologist in the public service or in the service of an organization recognised for the purposes of this section by the Minister, the Council may, if it is satisfied that such a person has sufficient qualifications, skill and experience of not less than three years in the practice of health laboratory investigation as the case may be, to properly perform the duties of such post, licence such person to perform the duties of a health laboratory technologist.

Licensed
health
laborat-
ory
techno-
logist

(2) A licence under subsection (1) shall have effect from the date on which the person to whom it is issued is appointed to perform the duties of health laboratory technologist and without prejudice to the provisions of this section shall terminate immediately upon such person ceasing to

hold such post unless such person is immediately appointed to another post in the service or in such recognized organization as aforesaid, such post being designated for the purposes of this section by the Chief Medical Officer,

Applica-
tion for
retention
of name in
the
register

18.-(1) Every person registered under this Act shall, before the 31st December each year, make application to the Council for the retention of his name in the register.

(2) An application made under subsection (1) shall be accompanied with a prescribed fee.

(3) The Council may, strike off from the relevant register any name of any registered person who does not comply with the provisions of subsection (1).

PART IV

ADMINISTRATION AND SOURCE OF FUND OF THE COUNCIL

Seal, Au-
thoriza-
tions, Di-
rections
etc.

19.-(1) The Council shall have a seal which shall bear such a device as may be decided upon by the Council at its first meeting and which, may be used on such occasions as the Council may think fit:

Provided that until such time as a seal can be procured, a rubber stamp bearing the inscription ("Tanzania Health Laboratory Technologist Council") may be used in lieu of such seal.

(2) All authorizations, directions, recommendations or other documents made or issued by the Council shall be signed by the chairperson or by the Registrar after obtaining the authorization of the Council and when so signed, shall be deemed to be duly made or issued by the Council.

Source of
funds of
Council

20. The Council shall collect and keep fees and other moneys for the purpose of the Council's activities.

21.-(1) The Minister may, after consultation with the council, by regulations made under this section, prescribe fees payable under this Act.

(2) Without prejudice to subsection (1), every person shall, on receiving a certificate of registration under this Act, pay such fees as shall be prescribed by the Minister in the *Gazette*.

(3) All fees payable under this section shall be paid to the Registrar.

PART V

GENERAL PROVISIONS

22. The Minister may, after consultation with the Council, make regulations, not inconsistent with this Act, for all or any of the following purposes:

Regulations

- (a) to prescribe the form of the register of health laboratory technologist the part into which the same is to be divided and any particulars to be entered therein in addition to those required by the provisions of this Act;
- (b) to regulate the manner in which applications for registration as a health laboratory technologist shall be made;
- (c) to prescribe countries having qualifications for certification or registration of health laboratory technologist which will be recognized by the Council;
- (d) to impose conditions with regard to the admission to the register or any part thereof health laboratory technologist;
- (e) to regulate the practice of health laboratory technologist;
- (f) to prescribe the conduct of inquiries by the Council and the attendance of witnesses, production of evidence including the power to take evidence on oath;
- (g) prescribe qualifications which shall be recognized as entitling the holder of registration under this Act;
- (h) prescribe ethics for the practice of the profession of health laboratory technologist;
- (i) prescribe rules to regulate the standards of professional conduct of health laboratory technologists;
- (j) prescribe anything which is required or permitted to be prescribed or provided for the better giving effect of the provisions of this Act.

23-(1) Any person who-

- (a) not being a registered health laboratory technologist;
- (b) having been suspended as a health laboratory technologist an order of the Council habitually or for gaining practises continues to practice while suspended, commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings.

Penalty for unregistered practice

(2) No person shall be convicted of any offence under these subsections unless that person-

- (a) Is entitled to be registered as a health laboratory technologist under the provisions of this Act, or
- (b) has been so registered but whose name has been removed from the register by order of the Council; or

- (c) is or has been possessing professional qualifications as a health laboratory professional which would, but for another provision contained in either of the said subsections or elsewhere in this Act or in any regulations made hereunder, have entitled him to be registered.
- False re-
gistration **24. Any person who-**
 (a) procures or attempts to procure registration or certificate;
 (b) makes or causes to be made a false or fraudulent statement.
 (c) produces or causes to be produced any false document,
 (d) deliberately makes or causes to be made any falsification register,
 commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding two years or to both the fine and imprisonment
- Notifica-
tion by
Council **25. Any notification required to be given by the Council to any person,**
 shall be sufficiently given if be sent by registered post to that person at his last known address or his address as contained in the register and the time of receipt shall be deemed, unless the contrary is shown, to be the time at which such notification would have arrived in the ordinary course of post to such address.

FIRST SCHEDULE

(Under section 3(2))

- Composi-
tion 1.-(1) The Council shall consist of the-
 (a) Chief Medical Officer; who shall be the Chairperson;
 (b) legally qualified person holding office in the Attorney General Chambers nominated in that behalf by the Attorney General;
 (c) the Chief Pathologist;
 (d) the Principal Health Laboratory Technologist;
 (e) a Senior health Laboratory Technologist representing the private health laboratory sector;
 (f) a Senior health laboratory technologists representing voluntary Agency Organizations.
 (g) a Regional Laboratory Technologists;
 (h) a representative of the Health Laboratory Technologists Association whose name shall be submitted by the Association to the Minister.
- (2) A member of the Council appointed under subsection (1) of this section shall, subject as herein after provided, hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment to the Council at the expiration of such period.
- Vice-
Chairper-
son 2.--(1) The member shall elect one amongst their number to be Vice-Chairperson of the Council. and any member elected as Vice-Chairperson, may subject to his continuing to be a member, hold office for a term of one year from the date of the election, but shall be eligible for re-election.

FORM B

TANZANIA HEALTH LABORATORY TECHNOLOGISTS COUNCIL APPLICATION FOR ADMISSION TO THE REGISTER OF HEALTH LABORATORY TECHNOLOGISTS

Full name (Block letters)

(Surname to be underlined)

Permanent Address in Tanzania.

Employer in Tanzania

Nature of Employment

Date of Birth _____ Sex _____ Nationality _____

Training centre attended and length of training at each College (School with dates)

Date of final examination _____

Particulars of Registration outside Tanzania

(a) Place _____ Date _____

(2) The Vice-Chairperson shall preside over all meetings of the Council in the absence of the Chairperson.

(3) A member appointed under paragraph (c), (f), (g) and (h)-

(a) shall, unless his appointment is sooner terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years but may be eligible for re-appointment; or

(b) may at any time resign his office by giving notice in Writing addressed to the Minister, and from the date specified in the notice, or if no date is so specified, from the date of receipt of the notice the Minister, he shall cease to be a member.

(3) Without prejudice to the provisions of paragraph 3 on the death, inability to act, resignation, absence from the United Republic for more than six months, or absence from three consecutive meetings of the council without the knowledge of the chairperson of any member, a vacancy shall be caused in the Council and the Minister may appoint to the vacancy another person, and such person shall hold office for the unexpired period of the office and upon the Same terms as the member in whose Place he is appointed,

(4) In the absence of the Chairperson or Vice- Chairperson from any meeting of the Council, the members present shall elect one of the members to be Chairperson of the meeting.

(5) Four members shall form a quorum of a meeting of the Council;

(6) The powers of the Council may be exercised notwithstanding a vacancy in the membership of the Council.

(7) Any document purporting to be under hand of the Registrar as to any decision of the Council, or as having been issued on behalf of the Council, shall be deemed without further proof, to be sufficient evidence of what is contained in the document.

SECOND SCHEDULE

(Under section 9(1))

FORM A

TANZANIA HEALTH LABORATORY TECHNOLOGISTS COUNCIL (PARTICULARS OF A REGISTERED HEALTH LABORATORY TECHNOLOGIST)

1. Surname

2. Other Names

3. Nationality

4. Address

5. Professional/Qualification

6. Date of Local Registration

7. Fee

8. Additional Qualifications

9. Remarks

.....

- (b) Registered by
- (c) Registration Number
- Parts of Register

Date

Signature of Applicant

This form when completed should be sent together with Registration Fee, two passport size photographs, and testimonial from the last employer to:

The Registrar
Health Laboratory Technologist Council
of Tanzania
P.O. Box 9083,
Dar es Salaam

THIRD SCHEDULE

(Under Section 9(1)(c))

LIST OF COUNTRIES

1. United Kingdom
2. Kenya
3. Uganda
4. Zimbabwe
5. South Africa

Passed in the National Assembly on the 6th February,
1997.


Clerk of the National Assembly