
CHAPTER 32:02

MEDICAL PRACTITIONERS ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTION

1. Short title.
2. Interpretation.

PART II

ESTABLISHMENT AND FUNCTIONS OF MEDICAL COUNCIL
OF GUYANA

3. Establishment of Medical Council of Guyana.
4. Functions of Council.

PART III

MEDICAL PRACTITIONERS

5. Register of Medical Practitioners.
6. Registration of medical practitioners.
7. Registration of higher or additional qualification or training.
8. Annual registration of medical practitioners.
9. Publication of list of medical practitioners.
10. Internship, institutional, full registration.
11. Validity of certificate issued by medical practitioner.

PART IV

OFFENCES

12. Fraudulently attempting to register.

LAWS OF GUYANA

4

Cap. 32:02

Medical Practitioners

SECTION

13. Improper use of medical title.
14. Molestation of medical practitioners in execution of duty.
15. General penalty.

PART V

MISCELLANEOUS

16. Medical districts.
 17. Disciplinary proceedings.
 18. Restoration of name to register.
 19. Appeals.
 20. Council's discretionary power of erasure in registers.
 21. Evidence of registration.
 22. Recovery of fees.
 23. Regulations.
 24. Power to amend Schedules.
- FIRST SCHEDULE—Constitution and proceedings of the Council
SECOND SCHEDULE—Forms
THIRD SCHEDULE—Hospitals or institutions approved by the Council

CHAPTER 32:02

MEDICAL PRACTITIONERS ACT

16 of 1991

AN ACT to make new provision for the registration of medical practitioners and for matters connected therewith.

[27TH SEPTEMBER, 1991]

PART I

PRELIMINARY

1. This Act may be cited as the Medical Practitioners Act.

Short title.

2. In this Act—

Interpretation.

“Council” means the Medical Council of Guyana established by section 3;

“Form” means a form in the Second Schedule;

“former ordinance” means the Medical Service Ordinance or the Medical Practitioners Ordinance;

c. 134
1953 Ed.
c. 136
1953 Ed.

“medical practitioner” means a person qualified to practise medicine or surgery, who is duly registered as a medical practitioner under this Act and whose name appears in the register;

“register” means the appropriate register required to be kept by the Secretary under this Act;

“Secretary” means the Secretary to the Board;

“specialist” means a medical practitioner who has had higher medical or surgical training and is registered to practise in that higher specialist skill under this Act.

PART II

ESTABLISHMENT AND FUNCTIONS OF MEDICAL COUNCIL OF GUYANA

3. (1) There is hereby established a Council to be known as the Medical Council of Guyana which shall be a body corporate.

Establishment
of Medical
Council of
Guyana.

LAWS OF GUYANA

6

Cap. 32:02

Medical Practitioners

First Schedule. (2) The provisions of the First Schedule shall have effect as to the constitution and proceedings of the Council and otherwise in relation thereto.

Functions of Council. 4. (1) The functions of the Council shall be—

- (a) to register medical practitioners;
- (b) to appoint examiners and to conduct examinations in respect of persons applying for registration as medical practitioners as may from time to time be necessary under the provisions of this Act;
- (c) to ensure the maintenance of proper standards established by the Council of professional conduct by medical practitioners and when necessary to take disciplinary action;
- (d) to advise the Minister where necessary on matters relating to medical services in Guyana and the performance of those services by medical practitioners;
- (e) to deal with matters referred to it by the Minister; and
- (f) to perform such other functions as are entrusted to it by or under this Act or any other law.

(2) The Council may, subject to the regulations, charge fees for conducting examinations, issuing certificates, registering medical practitioners and for any other services rendered by it, and all such fees shall form part of the funds of the Council.

(3) All expenditure incurred by the Council in carrying out the purposes of this Act shall be defrayed out of the funds of the Council.

PART III

MEDICAL PRACTITIONERS

Register of
Medical
Practitioners.
Form 1
Second
Schedule.

5. (1) The Secretary shall keep and maintain a register in Form 1 to be known as the Register of Medical Practitioners in which the Secretary shall cause to be entered the name and other particulars of every person registered as a medical practitioner under this Act.

(2) Subject to subsection (3), a person whose name is not entered in the register shall be deemed not to be registered.

(3) All persons who were registered as medical practitioners under the former Ordinances immediately prior to the commencement of this Act are entitled to be registered under this Act without application on the part of such persons, and pending the entry of their names in the register they shall be deemed to be duly registered.

(4) The register shall at all reasonable times be open to inspection at the office of the Council by any medical practitioner or other person authorised by the Minister.

(5) The Secretary shall, from time to time, make such alterations as directed by the Council in the qualifications and addresses as necessary of medical practitioners and shall remove from the register the name of a medical practitioner who is deceased or is no longer entitled to practise medicine or surgery, or whose whereabouts are not known, or who has been continually absent from Guyana for more than three years, not on training, secondment or other purpose approved by the Council:

Provided that the Council may restore a medical practitioner's name on the register upon his again fulfilling the requirements for registration in the opinion of the Council.

(6) Any medical practitioner who changes his address shall immediately notify the Secretary of his new address.

(7) When a medical practitioner's name has been removed from or restored to the register, the Secretary shall cause such removal or restoration to be published in the *Gazette*.

6. (1) Any person, who applies to the Council to be registered as a medical practitioner and who satisfies the Council that he—

Registration of
medical
practitioners.

(a) is a citizen of Guyana or the spouse of a citizen of Guyana or is resident in Guyana;

(b) can communicate satisfactorily in English;

LAWS OF GUYANA

8

Cap. 32:02

Medical Practitioners

- (c) is of good character;
- (d) holds a diploma or certificate obtained by examination after attending a medical school approved by the Council;
- (e) is qualified to practise independently in the country where he obtained his Diploma or Certificate,

Form 2
Second
Schedule.

shall, upon submission of the sworn declaration in Form 2 in the Second Schedule, and on payment of the prescribed fee, be entitled with approval of the Council to be registered as a medical practitioner.

(2) The Council may require any person who applies for registration as a medical practitioner under this Act and who does not, in accordance with the criteria of the Council whether prescribed or not, fulfil the requirement of subsection (1) (b), (d) or (e) to submit to such examination as the Council thinks necessary.

(3) Where the Council is satisfied that an applicant for registration fulfils the requirements specified in subsection (1) the Secretary shall register the applicant.

Form 3
Second
Schedule.

(4) The Secretary shall issue to every person registered as a medical practitioner under this Act a certificate of registration in Form 3.

Registration of
higher or
additional
qualification or
training.

7. (1) A medical practitioner who obtains qualification or training approved by the Council higher than or additional to that in respect of which he is registered shall be entitled with the approval of the Council to have such higher or additional qualification or training entered by the Secretary to his name in the register.

Form 4
Second
Schedule.

(2) The Secretary shall issue to such medical practitioner a certificate for the higher or additional qualification or training in Form 4 in substitution for or in addition to, as the case may be, the qualification in respect of which he is registered.

Annual
registration of
medical
practitioners.
[6 of 1997]

8. (1) The Secretary shall keep a register in Form 5 to be known as the Annual Register of Medical Practitioners, and enter therein the names and other particulars of all persons entitled to practise medicine or surgery in each year.

(2) A medical practitioner who desires to practise as such in Guyana in any year shall, in the month of January of that year, cause his name to be registered in the Annual Register of Medical Practitioners and obtain a licence of such registration in Form 6, from the Secretary on payment of the prescribed fee.

Form 5
Second
Schedule.
Form 6
Second
Schedule.

(3) In order to be registered under subsection (2) a medical practitioner must submit evidence of having attended a minimum of six academic sessions recognised by the Council during the preceding year, but where a medical practitioner is being registered for the first time he shall at that time be required to obtain a licence of annual registration on payment to the Secretary of the prescribed fee:

Provided that the Council may waive the requirement of attendance at academic sessions where the Council is satisfied that it was impracticable for the medical practitioner to attend such sessions.

(4) A person who practises as a medical practitioner without having been registered under this section shall be guilty of an offence punishable on summary conviction by a fine of thirty thousand dollars and a further fine of fifteen hundred dollars for each day he so practises.

9. (1) The Secretary shall cause to be published in the *Gazette* in the month of February in each year an alphabetical list, surname first, of persons and their qualifications—

Publication of
list of medical
practitioners.

(a) who have been registered as medical practitioners under section 6; and

(b) who have, at the 31st January in that year, been registered pursuant to section 8.

(2) A copy of the *Gazette* containing either of the lists referred to in subsection (1) shall be *prima facie* evidence in any Court of the registration and qualifications of any person mentioned in either such list.

LAWS OF GUYANA

10

Cap. 32:02

Medical Practitioners

Internship,
institutional,
full registra-
tion.

10. (1) Notwithstanding the provisions of section 6, the Secretary with the approval of the Council may—

Third
Schedule.
Form 7
Second
Schedule.

(a) grant internship registration to any person, who has satisfied the requirements of section 6 (1), (a), (b), (c) and (d) and is employed as an intern in any hospital or other institution in Guyana, approved by the Council as set out in the Third Schedule, for a period of not less than one year and furnish him with a licence of internship in Form 7 on payment of the prescribed fees; or

Form 8
Second
Schedule.

(b) grant institutional registration for not more than three years to any person and furnish him with a licence of registration in Form 8, on payment of the prescribed fee, if such person—

(i) does not fulfill the requirement of section 6 (1) (a), (b), (d) or (e) but whose qualification is recognised for the time being by the Council as furnishing sufficient evidence of the possession of the requisite knowledge and skill for the efficient practice of medicine or surgery; and

Third
Schedule.

(ii) satisfies the Council that he is employed or has been selected for employment in any institution in the Government specified by the Minister or in any hospital mentioned in the Third Schedule;

Form 9
Second
Schedule.
Form 10
Second
Schedule.

(c) grant full registration to any person who has satisfactorily completed the period of institutional or internship registration and furnish him with a certificate of registration in Form 9 on payment of the prescribed fee;

(d) grant a licence in Form 10 for a period not exceeding nine months to any person who satisfies the requirements of section 6 (1) (c), (d) and (e), but not (a) and (b), on payment to the Secretary of the prescribed fee which may be waived by the Chairman of the Council provided that no fee is accepted by the person for all medical services rendered under this licence.

(2) No person shall be entitled to possess at any time more than one certificate of registration.

11. Subject to any other law, no certificate required to be signed by a medical practitioner shall be valid unless the person signing it is a medical practitioner registered under this Act.

Validity of certificate issued by medical practitioner.

PART IV

OFFENCES

12. A person who—

- (a) wilfully procures or attempts to procure registration under this Act for himself or for any other person by making or producing or causing to be made or produced, any false or fraudulent representation or declaration, either verbally, in writing or otherwise; or
- (b) aids or assists any person therein,

Fraudulently attempting to register.
[6 of 1997]

shall be guilty of an offence under this Act and liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for two years.

13. (1) Any person, not being a medical practitioner who—

- (a) takes or uses the name, title, addition or description implying or calculated to imply that he is registered as a medical practitioner under this Act or that he is recognised by law as a person authorised or qualified to practise medicine or surgery;
- (b) assumes or uses any affix indicative of any occupational designation relating to the practice of medicine or surgery; or
- (c) pretends to be or holds himself out as, whether directly or by implication, a person practising or authorised or qualified to practise medicine or surgery,

Improper use of medical title.
[6 of 1997]

shall be guilty of an offence and liable on summary conviction to a fine of two hundred and twenty-five thousand dollars and to imprisonment for eighteen months.

LAWS OF GUYANA

12

Cap. 32:02

Medical Practitioners

(2) The provisions of subsection (1) shall not apply to the practice of medicine or surgery by any person—

- (a) acting under the direct supervision of a medical practitioner;
- (b) having internship or institutional registration;
- (c) registered, licensed or enrolled under any written law, who under the authority thereof performs or provides any service which he is authorised or entitled to perform or provide; or
- (d) who renders first aid to the sick or injured, or who as a duly registered chemist and druggist exercises what is known as counter prescribing in the ordinary course of his business and under the conditions determined by the Council.

(3) Any person registered as a medical practitioner under this Act who—

- (a) uses on any letter-head or sign-board at his premises or clinic, any name, title, addition or description reasonably calculated to suggest that he is a specialist or an expert or possesses any professional status or qualification higher than a professional status or qualification, which he in fact possesses and which is entered in the register; or
- (b) advertises in connection with his practice, except under the conditions prescribed by regulations governing the advertising by a medical practitioner,

shall be guilty of an offence under this Act and liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for eighteen months, and a further fine of six thousand dollars for each day that the offence continues.

Molestation of
medical
practitioners in
execution of
duty.
[6 of 1997]

14. Any person who molests, hinders, or opposes any medical practitioner during the exercise of any function under this Act or any other written law shall be guilty of an offence and liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for twelve months.

15. Any person who is in breach of any of the restrictions, requirements or conditions imposed by this Act or regulations, for which no specific penalty has been provided, shall be liable on summary conviction to a fine of sixty thousand dollars and to imprisonment for two years.

General penalty.
[6 of 1997]

PART V

MISCELLANEOUS

16. (1) The Minister may by order specify any part of Guyana to be a medical district and may, from time to time, likewise alter or revoke any order so made, or alter the limits of any medical district, including those referred to in subsection (2).

Medical districts.

(2) Subject to subsection (1), the medical districts existing at the commencement of this Act shall be deemed to have been specified under this section.

17. (1) A medical practitioner who is —

Disciplinary proceedings.

- (a) convicted of an offence outside Guyana which if committed in Guyana would be punishable on indictment;
- (b) convicted of such offence in Guyana; or
- (c) guilty of professional misconduct or malpractice,

shall be subject to disciplinary proceedings.

(2) Where it shall appear, or be represented, to the Council that a medical practitioner may be guilty of professional misconduct or malpractice the Council shall afford the practitioner a reasonable opportunity of answering the complaint.

(3) Where in any proceedings under this section the Council is satisfied that a medical practitioner was convicted of an offence under subsection (1) (a) or (b) or is found guilty of professional misconduct or malpractice, it may—

- (a) censure him;

LAWS OF GUYANA

14

Cap. 32:02

Medical Practitioners

(b) suspend his registration for such period as may be determined by the Council and approved by the Minister;

(c) direct the Secretary to remove his name from the register.

(4) When the name of any person is removed from the register, the Council may, in writing, require such person to return to the Secretary his certificate of registration and such person shall comply with that requirement.

Restoration of
name to
register.

18. (1) The Council may at any time, and shall upon a decision on an appeal under section 19 that the name of a practitioner shall be restored to the register, direct the Secretary to restore to the register any name removed therefrom under section 17(3).

(2) The Council shall, as soon as practicable after suspending the registration of a medical practitioner under section 17(3) or after the restoration of the name of any person to the register under subsection (1), cause notice thereof to be published in the *Gazette*.

Appeals.

19. Any person who is aggrieved by the refusal of the Council to register him under this Act or by its decision to censure him or suspend his registration or cause his name to be removed from the register may within six weeks of the communication to him of the decision of the Council appeal to a Judge of the High Court in Chambers, who shall give such directions in the matter as he may think proper, including a direction as to the costs of the appeal.

Council's
discretionary
power of
erasure in
registers.

20. (1) The Council shall cause to be removed from any of the registers kept under this Act any entry which has been incorrectly or fraudulently made.

(2) Where the Council directs the removal from any of the registers of the name of any person, or of any other entry the name of that person or entry shall not again be entered in the register, except by direction of the Council.

(3) If the Council thinks fit in any case, it may direct the Secretary to restore to any of the registers, any name or entry erased there from, either without fee or on payment of the prescribed fee, and the Secretary shall restore the same accordingly.

(4) The name of any person removed from any of the registers at the request of such person or with his consent shall, unless it was liable to be erased by order of the Council be restored to the register from which it was erased on his application therefor and on payment of the prescribed fee.

21. Copies of the registers for the time being published in the *Gazette* in accordance with the provisions of this Act shall be *prima facie* evidence in all cases, that the persons and the qualifications therein specified are registered under this Act:

Evidence of registration.

Provided that in the case of a person whose name does not appear in the *Gazette*, a certified statement under the hand of the Secretary of the entry of his name or qualification in any particular register shall be conclusive evidence thereof.

22. (1) A registered medical practitioner shall be entitled to demand and recover reasonable charges for professional services rendered and the cost of any medicines or medical or surgical appliance supplied by him to his patients.

Recovery of fees.

(2) No person shall be entitled to recover any fees or other charges in a court for rendering medical services or for prescribing and supplying medicines, unless he is duly registered under this Act.

23. (1) The Minister on the advice of the Council may make regulations which are necessary for carrying out the purposes of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1) such regulations may provide for—

(a) keeping of the registers and the making of entries and erasures therein;

(b) determining professional conduct and general fitness to practise medicine or surgery;

(c) instituting disciplinary proceedings against a medical practitioner in relation to any charge under section 17 and the manner in which such proceedings are to be conducted;

(d) the criteria by which to determine the eligibility for registration of persons who do not possess the required qualifications and the fees for such examinations;

(e) prescribing the fees to be paid to the Council by medical practitioners, or any other person for any certificate or other document issued or other services performed by the Council;

(f) prescribing fees for registration;

(g) specifying conditions governing advertising by medical practitioners;

(h) determining the conditions under which any person may obtain the benefit of the professional services of a government medical officer;

(i) specifying the circumstances when giving of information to the patient as to the diagnosis of his illness and the medication prescribed by the medical practitioner is prohibited;

(j) prescribing anything which is required to be or may be prescribed by this Act.

Powerto
amend
Schedules.

24. The Minister may, on the advice of the Council, amend the Second and Third Schedules.

[12 of 2001]

25.(1) The Chief Medical Officer shall be responsible for the conduct of the election of the members of the Council referred to in paragraph 1 (c) of the First Schedule, in accordance with the regulations made under section 23 (ii), within sixty days from the commencement of the said regulations.

(2) The members of a Council shall vacate office when the new Council is constituted, and the members thereof enter upon the duties of their office.

FIRST SCHEDULE

CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

Constitution
of the Council

1. The Council shall consist of—

(a) Chairman who shall be elected by the Council from among the members of the Council;

(b) the Chief Medical Officer who shall be an *ex officio* member of the Council;

(c) six medical practitioners, each with at least five years post registration experience, to be appointed by the Minister after having been elected, in accordance with the regulations made for this purpose, from among the medical practitioners resident in Guyana

(d) two persons, who are not medical practitioners to be appointed by the Minister.

2. The names of the members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Names of
members to be
published in
the *Gazette*

3. (1) An appointed member shall hold office for two years and be eligible for re-appointment.

Terms of
service of
members

(2) A member who fails to attend three consecutive meetings without permission from the Council shall be deemed to have vacated his seat.

(3) A member shall cease to be a member of the Council if he is guilty of any offence under section 17 (1).

LAWS OF GUYANA

18

Cap. 32:02

Medical Practitioners

Meetings of
Council.

4. (1) The Council shall meet at such time as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Council may determine.

(2) The Council may delegate any of its functions to the Chairman.

[12 of 2001]

(3) Four members shall constitute a quorum.

(4) Minutes in proper form of every meeting of the Council shall be kept by the Secretary and shall be confirmed at a subsequent meeting by the Chairman or other member duly presiding over the meeting, as the case may be.

(5) Subject to this Act and the regulations, the Council may regulate its own procedure.

Employment
of officers and
employees of
the Council.

5. The Council may employ a Secretary and such other officers and employees for carrying out its functions and with the approval of the Minister, set their remuneration and such other terms and conditions as it thinks fit (including the payment of pensions, gratuities and other like benefits by reference to the service of its officers and other employees.)

Disclosure
of interest

6.(1) Where the interest of a member of the Council is likely to be directly or indirectly affected by a decision of the Council the member shall disclose the nature of the interest at the first meeting of the Council at which he is present after the relevant facts have come to his knowledge.

(2) Where there is a disclosure under subparagraph (1), the Secretary shall record in the minutes of the Council a full account of the disclosure, and the member of the Council making the disclosure shall unless the Council otherwise directs not present or take part in the deliberations or vote at any meeting during the time when the Council is deciding the matter in which the member has disclosed an interest.

LAWS OF GUYANA

Medical Practitioners

Cap. 32:02

19

Employment
of officers and
employees of
the Council.

(2) Where there is a disclosure under subparagraph (1), the Secretary shall record in the minutes of the Council a full account of the disclosure, and the member of the Council making the disclosure shall unless the Council otherwise directs, not be present or take part in the deliberations or vote at any meeting during the time when the Council is deciding the matter in which the member has disclosed an interest.

Disclosure of
interest.

7. The remuneration and allowances, if any, and other terms and conditions of appointment, of the members of the Council shall be such as may be determined by the Minister.

Interim
council
[12 of 2001]

8. The Minister shall in the exceptional circumstances where the life of the Council has come to an end and the succeeding Council has not assumed office have power to appoint an interim council comprising ten members including the Chief Medical Officer and name the chairman thereof to discharge the functions of the Council for the period between the time when the life of the Council comes to an end and the assumption of office of the succeeding Council:

Provided that an interim council shall not remain in office for more than six months not remain in office for more than six months from the date of appointment of the members thereof.

LAWS OF GUYANA

20

Cap. 32:02

Medical Practitioners

SECOND SCHEDULE

s. 5(1)

FORMS

FORM 1

REGISTER OF MEDICAL PRACTITIONERS

Registration No.

Serial No.	Full name or alias	Date of birth, nationality	Residence, place of	Date of Registration	Qualification Language Spoken. University	Receipt No.	Skill licensed to practise

FORM 2

s. 6(1)

SWORN DECLARATION TO ACCOMPANY APPLICATION FOR REGISTRATION AS MEDICAL PRACTITIONER

I, A.B., residing atdo hereby declare that I am a member (or as the case may be) of (here state college, faculty Board or society) and was duly authorised by that (college, faculty Board or society) on the day of to practise medicine/surgery.

(Signature)

A.B.

Sworn before me this..... day of, 19

(Signature)

C. D.

Commissioner of Oaths to Affidavits.

LAWS OF GUYANA

Medical Practitioners

Cap. 32:02

21

s. 6(4)

FORM 3

CERTIFICATE OF REGISTRATION AS A MEDICAL PRACTITIONER

Registration No.

Medical Council of
Guyana (Stamp)

It is hereby certified that _____ residing at _____ has
been duly registered as a medical practitioner entitled to practise
medicine/surgery in Guyana under the provisions of the Medical
Practitioners Act.

Dated this _____ day of _____ 19.....

.....
Secretary
Medical Council of Guyana

.....
Chairman
Medical Council of Guyana

s. 7

FORM 4

CERTIFICATE OF REGISTRATION OF HIGHER OR
ADDITIONAL QUALIFICATIONS

Registration No.

Medical Council of
Guyana (Stamp)

It is hereby certified that the following higher or additional qualification
or training obtained by the medical practitioner has been duly entered in
the Register of Medical Practitioner—

LAWS OF GUYANA

22

Cap. 32:02

Medical Practitioners

Name of medical practitioner	Registration number and date	Higher or additional qualification or training obtained	Skill licensed to practise	Date of entry in the Register

Dated this day of 19.....

.....

Secretary
Medical Council of Guyana.

.....

Chairman
Medical Council of Guyana.

FORM 5

s. 8(1)

ANNUAL REGISTER OF MEDICAL PRACTITIONERS

Serial No.	Name alias	Residence, place of	Initial registration No. and date	Qualification	Receipt No.	Skill licensed to practise

LAWS OF GUYANA

Medical Practitioners

Cap. 32:02

23

s. 8(2)

FORM 6

LICENCE OF ANNUAL REGISTRATION AS A
MEDICAL PRACTITIONER

Registration No. _____ Medical Council of Guyana
(Stamp)

It is hereby certified that _____ residing at
_____ has been duly registered as
_____ entitled to practise medicine/surgery in
Guyana during the year _____ under the provisions of the Medical
Practitioners Act.

Dated this _____ day of _____, 19 _____

.....
Secretary
Medical Council of Guyana

.....
Chairman
Medical Council of Guyana

s. 10(1)(a)

FORM 7

LICENCE OF INTERNSHIP

Registration No. _____ Medica Council of Guyana
(Stamp)

It is hereby certified that _____ holding a diploma or certificate
of _____ obtained by examination after attending _____ course
at (Medical School) has been registered under the provisions of the
Medical Practitioners Act for the purpose of internship.

LAWS OF GUYANA

Medical Practitioners

Cap. 32:02

25

s. 10(1)(c)

FORM 9

CERTIFICATE OF FULL REGISTRATION

Registration No. Medical Council of Guyana
(Stamp)

Name and address:

Qualification:

Hospital Registration No. and Date:

It is hereby certified that the above-named person having completed the period of institutional or internship registration has been duly registered as entitled to practise medicine/surgery in Guyana under the provisions of the Medical Practitioners Act.

.....
Secretary
Medical Council of Guyana.

.....
Chairman
Medical Council of Guyana.

s. 10(1)(a)

FORM 10

SHORT TERM LICENCE

Registration No. Medical Council of Guyana
(Stamp)

Name and address:

Qualification:

It is hereby certified that the above-named person has been duly registered as entitled to practise medicine/surgery in Guyana on a short term basis under the provisions of the Medical Practitioners Act for a period of nine months.

L.R.O. 3/1998

LAWS OF GUYANA

26

Cap. 32:02

Medical Practitioners

.....
Secretary
Medical Council of Guyana.

.....
Chairman
Medical Council of Guyana

THIRD SCHEDULE

s. 10(1)(a) and
(b)

HOSPITALS OR INSTITUTIONS APPROVED BY THE COUNCIL

PART A

*For Internship
Georgetown Hospital.*

PART B

For Institutional Regulation

1. Georgetown Hospital.
 2. New Amsterdam Hospital.
 3. St. Joseph's Mercy Hospital.
 4. West Demerara Regional Hospital.
 5. Linden Hospital Complex
 6. Davis Memorial Hospital.
 7. Prashad's Hospital Ltd.
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