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CEYLON GOVERNMENT
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EXTRAORDINARY.

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(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

L. D.—CF. 36/39

An Ordinance to amend the Medical Ordinance.

Cap. 90.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

Vol. III., p. 6.

1 This Ordinance may be cited as the Medical (Amendment) Ordinance, No. of 1940.

Short-title.¶

2 Section 8 of the Medical Ordinance, (hereinafter referred to as “the principal Ordinance”), is hereby amended, with effect from such date as the Governor may appoint by Proclamation in the Gazette, as follows:—

Amendment of section 8 of Chapter 90.

(1) in sub-section (1), by the substitution, for paragraphs (d) to (j) of that sub-section, of the following new paragraphs:—

“(d) the person for the time being discharging the duties of Professor of Medicine of the College or such other person as may be nominated by the Governor in place of such Professor under sub-section (1A);

- (e) the person for the time being discharging the duties of Professor of Surgery of the College or such other person as may be nominated by the Governor in place of such Professor under sub-section (1A) ;
- (f) the person for the time being discharging the duties of Professor of Anatomy of the College or such other person as may be nominated by the Governor in place of such Professor under sub-section (1A) ;
- (g) the person for the time being discharging the duties of Professor of Physiology of the College or such other person as may be nominated by the Governor in place of such Professor under sub-section (1A) ;
- (h) the person for the time being discharging the duties of Professor of Pathology of the College or such other person as may be nominated by the Governor in place of such Professor under sub-section (1A) ;
- (i) two lecturers, nominated by the Governor, engaged in delivering lectures to students at the College ;
- (j) a professor or lecturer nominated by the Governor, engaged in delivering lectures to students taking the courses for the Pre-medical Examination at the University College ;” ;

(2) by the insertion, immediately after sub-section (1), of the following new sub-section :—

“(1A) The Governor may at any time nominate any person to be a member of the College Council in place of any Professor referred to in paragraphs (d), (e), (f), (g) and (h) respectively of sub-section (1).”

3 Section 12 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal and replacement of section 12 of the principal Ordinance.

Appointments to be made by Governor.

12. All professors, lecturers, examiners, officers and servants of the College shall be appointed by the Governor who shall, before making any appointment, consult the Executive Committee and the College Council.

4 Section 13 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal and replacement of section 13 of the principal Ordinance.

Professors, &c of College to be public servants. Cap. 15.

13. Every professor, lecturer, examiner, officer or servant of the College shall be deemed to be a public servant within the meaning of section 19 of the Penal Code.

5 Section 14 of the principal Ordinance is hereby amended, in paragraph (b) thereof, by the substitution, for the words “the appointment, suspension, removal, duties, and remuneration”, of the words “the duties”.

Amendment of section 14 of the principal Ordinance.

6 Section 56 of the principal Ordinance is hereby amended by the omission of the words “at the request of the Medical Council,”.

Amendment of section 56 of the principal Ordinance.

7 Section 66 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal and replacement of section 66 of the principal Ordinance.

Regulations.

66. (1) Subject to the provisions of the following sub-sections, the Executive Committee may make regulations for the purposes specified in sections 14, 22 and 56 and generally for the purpose of giving effect to the principles and provisions of this Ordinance.

(2) Before making any regulation for any purpose specified in section 14 the Executive Committee shall consult the College Council.

(3) Before making any regulation for any purpose specified in section 22 or section 56, the Executive Committee shall consult the Medical Council.

(4) No regulation shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette ; and upon such publication, the regulation to which the notification relates shall be as valid and effectual as though it were herein enacted.

8 Section 68 of the principal Ordinance is hereby amended as follows:—

Amendment of section 68 of the principal Ordinance.

(1) by the insertion, immediately after the definition of "dispensing", of the following:—

"Executive Committee" means the Executive Committee of Health; ;

(2) by the insertion, immediately after the definition of "Pharmacy Acts", of the following:—

"prescribed" means prescribed by regulation; and

(3) by the repeal of the definition of "regulation" and the substitution of the following new definition therefor:—

"regulation" means a regulation made by the Executive Committee under this Ordinance; ;

9 (1) The re-constitution of the Council of the Ceylon Medical College as provided for in section 2 of this Ordinance shall not affect or be deemed or construed to affect the perpetual succession of that Council as a body corporate; and any nomination authorised or required to be made by the Governor for the purposes of such re-constitution may be made prior to the date appointed by Proclamation under section 2 of this Ordinance, but shall not take effect before that date.

Transitory provisions, &c.

(2) Notwithstanding anything in any written law other than this Ordinance, every person who holds office as a professor, lecturer, examiner, officer or servant of the Council of the Ceylon Medical College on the date of the commencement of this Ordinance shall be deemed to be a professor, lecturer, examiner, officer or servant, as the case may be, appointed by the Governor under section 12 of the principal Ordinance as amended by section 3 of this Ordinance.

Objects and Reasons.

The object of this Bill is to amend the Medical Ordinance of 1927 so as to bring that Ordinance into conformity with the constitution as set out in the Ceylon (State Council) Order in Council, 1931. Accordingly, the power to make regulations which, under the existing law is vested in the Governor, will be entrusted to the Executive Committee of Health, though no regulation made by that Committee will have effect until it has been approved by the State Council and ratified by the Governor. The Executive Committee is required to consult the Medical College Council before framing regulations under section 14 and to consult the Medical Council before making regulations for the purposes mentioned in sections 22 and 56 Clause 7).

2. The Medical College is maintained out of funds voted for the purpose by the State Council. The various posts of professors, lecturers, &c., of the College are separately shown and provided for in the annual Budget. Clause 4 vests in the Governor the power to make such appointments.

3. The powers of the College Council to confer degrees and diplomas and the responsibility of that Council for the general supervision and control of the education and training of future medical practitioners remain unaffected by the amendments introduced in the Bill. The recognition accorded in England to Ceylon medical qualifications necessitates the retention of the power to confer degrees and diplomas in medicine and surgery in a College Council of competent professional men.

Colombo, January 11, 1940.

W. A. DE SILVA,
Minister for Health.