



**AN ACT TO PROVIDE FOR THE REGISTRATION AND REGULATION
OF MEDICAL LABORATORY PRACTITIONERS AND
OTHER MATTERS RELATED THERETO**

ARRANGEMENT OF SECTIONS

SECTIONS

TITLE

**PART ONE
PRELIMINARY PROVISIONS**

1. Short title and Commencement.
2. Interpretation.

**PART TWO
ESTABLISHMENT AND FUNCTIONS OF THE COUNCIL**

3. Establishment of the Council.
4. Composition of the Council.
5. Functions of the Council.
6. Powers of the Council.
7. Delegation of powers and functions of the Council.
8. Committees of the Council.
9. Functions of the Committees.
10. Composition of the Committee.

**PART THREE
MANAGEMENT AND STAFF OF THE COUNCIL**

11. Appointment of the Registrar.
12. Qualifications of the Registrar.
13. Functions of the Registrar.
14. Appointment, qualifications and functions of the Deputy Registrar.



15. Register and publications.
16. Officers and Staff of the Council.

PART FOUR REGISTRATION AND LICENCE

17. Application for Registration and Grant of License.
18. Eligibility for Registration.
19. Provisional registration.
20. Temporary registration.
21. Registered person to practice according to ethics and codes of conduct.
22. Inspection of Medical Laboratory training programmes
23. Appointment, functions and powers of the Medical laboratory Inspector.
24. Medical Laboratory Inspector to be issued with Identity card.

PART FIVE DISCIPLINARY PROVISIONS

25. The Registrar to receive complaints.
26. Inquiry by the Council.
27. Disciplinary Power of the Council.
28. Disobedience of Summons and refusal to give evidence.
29. Removal from the Register.
30. Surrender of certificate on removal of name from the Register.
31. Appeal against suspension from practice or removal from the Register.
32. Restoration of name after removal.
33. Conditions for restoration of the name to the Register.



PART SIX FINANCIAL PROVISIONS

- 34. Sources of funds of the Council.
- 35. Accounts and Audit.
- 36. Application of the Public Finance Management Act.
- 37. Annual Report.

PART SEVEN OFFENCES AND PENALTIES

- 38. Illegal practice.
- 39. False statement or documents.
- 40. Commencing Medical Laboratory Technology programme.
- 41. Impersonation and misrepresentation.
- 42. Provisions regarding proceedings of the Council.
- 43. Employing a person not registered or licensed.
- 44. Assisting or aiding commission of an offence.
- 45. Penalty for hindering or constrain an Inspector.
- 46. Publications.
- 47. General Penalty.

PART EIGHT MISCELLANEOUS PROVISIONS

- 48. Fees and Charges.
- 49. Registered Medical Laboratory Practitioner to provide quality Medical laboratory services.
- 50. Regulations.

SCHEDULE



ACT NO. 10 OF 2020

I ASSENT

{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

11th May, 2020

**AN ACT TO PROVIDE FOR THE REGISTRATION AND REGULATION
OF MEDICAL LABORATORY PRACTITIONERS AND
OTHER MATTERS RELATED THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short Title
and Commence-
ment.

1. This Act may be cited as the Medical Laboratory Practitioners Act, 2020 and shall come into operation after being assented to by the President, and on such date as the Minister may, by notice published in the Official Gazette, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires:

“Certificate” means a document issued by the Council under section 19(3) of this Act;

“Council” means the Zanzibar Medical Laboratory Practitioners Council as established under section 3 of this Act;

“Government” means the Revolutionary Government of Zanzibar;

“License” means a license issued by the Registrar under section 17(1) of this Act;



“Medical Laboratory Inspector” means a person appointed by the Council under section 23(1);

“Medical laboratory” means any facility or designated room in which clinical laboratory tests are performed;

“Medical Laboratory Practitioner” means a Medical Laboratory Scientist or Medical Laboratory Technologist registered by the Council;

“Medical Laboratory Scientist” means a person who holds at least a degree or an advanced diploma in Medical laboratory sciences issued by a higher learning institution recognized by the Council;

“Medical Laboratory Technologist” means a person who holds a diploma in Medical laboratory sciences issued by a higher learning institution recognized by the Council.;

“Medical laboratory test” means any pathological examination which is performed on material derived from the human body, such as cytogenetic, microbiological, serological, chemical, hematological, cytological, immunological, or any other test or procedure conducted by a Medical laboratory or facility which provides information for the diagnosis, prevention or treatment of a disease or assessment of a Medical condition;

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

“President” means the President of Zanzibar and Chairman of the Revolutionary Council.

“Register” means a Register in which the Medical Laboratory Practitioners are registered;

“Registrar” means a person who Registers the Medical Laboratory Practitioners appointed in accordance with section 11 of this Act.

PART TWO

ESTABLISHMENT AND FUNCTIONS OF THE COUNCIL

Establishment
of the Council.

3.-(1) There is established a Council to be known as the Zanzibar Medical Laboratory Practitioners Council.

(2) The Council shall be an agency of the Government and shall be under supervision of the Minister.



Composition
of the
Council.

4.-(1) The Council shall consist of the following members:

- (a) Chairperson who shall be appointed by the President;
- (b) Registrar of the Medical Laboratory Practitioners Council;
- (c) Head of Diagnostic Services in the Ministry of Health, Zanzibar;
- (d) Senior Medical Laboratory Practitioner from a recognized training institution in Zanzibar;
- (e) Representative from Zanzibar Association of Medical Laboratory Scientific Officers;
- (f) Representative from private sector with expertise in Medical laboratory science; and
- (g) State Attorney from the Attorney General's Chambers.

(2) Save for the Chairperson and ex-officio members, other members shall be appointed by the Minister in consultation with the respective institutions based on experience, professionalism and gender balance.

(3) A person shall be eligible to be appointed as a Chairperson if he:

- (a) is a Zanzibari;
- (b) has at least first degree in medical laboratory sciences;
- (c) has a working experience of at least ten years in that field;
- (d) has high level of competence to manage the affairs of the medical laboratory sciences efficiently and effectively; and
- (e) has high level of integrity.

(4) The Chairperson of the Council shall hold an office for a term of four years from the date of appointment and may be re-appointed for another term.

(5) The members of the Council shall hold office for a term of three years and may be re-appointed for another term.

(6) A member so appointed to represent an institution, shall cease to be a member of the Council once his affiliation with such institution ceases.



(7) The Council shall appoint a legal officer employed by the Government to be a Secretary of the Council

(8) The proceedings of the meetings of the Council and other matters related thereto are as prescribed in the Schedule of this Act.

Functions of
the Council.

5.-(1) The functions of the Council shall be to:

- (a) register persons who are eligible for registration and issue certificate of recognition or license to practice;
- (b) issue, renew, cancel certificates or licenses and amend any particulars thereto and to replace any certificate or license proven to have been lost or destroyed;
- (c) regulate the standards and practice of the medical laboratory profession;
- (d) conduct examinations prior to registration to ascertain competency for Medical laboratory practitioners;
- (e) ensure that the Register is kept, maintained and updated in the prescribed manner;
- (f) develop strategic plans, policy guidelines and procedures for the Council;
- (g) prepare the annual budget estimates of the Council;
- (h) prescribe the ethics and codes of conduct for Medical Laboratory Practitioners;
- (i) prescribe standards and conditions for establishing medical laboratory training programmes;
- (j) approve and regulate syllabuses and curriculum of instructions and courses of Training for Medical Laboratory Practitioners;
- (k) deal with complaints submitted against any Medical Laboratory Practitioner;
- (l) advise the Minister on matters relating to delivery of Medical Laboratories services;



- (m) conduct research, training and any other related matters; and
- (n) perform any other functions or duty conferred under this Act.

(2) The Council may, in the execution of its functions, collaborate with other compatible institutions or authorities on matters pertaining to training and practices of the Medical Laboratory Practitioners.

Powers of
the Council.

6. The powers of the Council shall be to:

- (a) caution, suspend and remove from laboratory practice any medical laboratory practitioner if he contravenes the provisions of this Act;
- (b) charge fees for services provided by the Council as may be required by the provisions of this Act; and
- (c) approve or disapprove the annual budget.

Delegation
of powers
and
functions of
the Council.

7.-(1) The Council may, subject to such terms, conditions and restrictions, as it may specify, delegate in writing to any committee or the Registrar of the Council some of its functions, powers, or duties conferred upon it under this Act.

(2) Delegation made under this section shall not prevent the Council from performing or exercising the functions or powers delegated.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the Council shall not have power to delegate:

- (a) the power to approve or disapprove the annual budget; and
- (b) the power to approve or change contents of the training, curriculum and other standards pertaining to the Medical Laboratory Professions in Zanzibar.

Committees
of the
Council.

8.-(1) The Council may, for the purpose of facilitating the performance of its functions, establish the following Committees:

- (a) Training, Research and Professional Committee;
- (b) Quality Assurance Committee;
- (c) Ethics and Codes of Conduct Committee; and
- (d) Policy, Planning and Finance Committee.



(2) Without prejudice to subsection (1) of this section, the Council may establish any other committee to perform specific functions as it may deem fit.

Functions
of the
Committee.

9.-(1) The functions of the Training, Research and Professional Committee shall be to:

- (a) advise on the examinations to be given to the Medical Laboratory Practitioners prior to registration;
- (b) scrutinize curricular for the training of the Medical Health Laboratory Practitioners;
- (c) inspect training programmes to ascertain quality of education offered and propose to the Council on areas of improvement;
- (d) advise the Council on all matters related to research in Medical Laboratory profession;
- (e) promote and improve the Medical Laboratory Practitioner's expertise in research methods by collaborating with health research institutions and other researchers within and outside Zanzibar;
- (f) prescribe and evaluate qualifications for registration, enrolment, licensing, and to make recommendations to the Council;
- (g) provide guidance to the Medical Laboratory Professionals related to educational issues and support continuing professional development of Medical Laboratory science through publication, seminars and conferences;
- (h) establish minimum practice standards for the Medical Laboratory profession; and
- (i) perform any other function as may be assigned to it by the Council.

(2) The functions of the Quality Assurance Committee shall be to:

- (a) develop the quality assurance programmes and modify the programmes as needed;
- (b) advise the Council on all matters related to the provision of quality laboratory services;



- (c) develop policy guidelines and protocols for use by Medical Laboratory Practitioners and other health care workers in administering quality assurance programmes;
 - (d) establish the requirements and standards of medical laboratories.
 - (e) ensure that the quality laboratory services, level of skills, knowledge and competence of the Laboratory Practitioners are improved and maintained;
 - (f) ensure Medical laboratory practitioner comply with the Medical Laboratory Practitioners Act and Regulations; and
 - (j) perform any other function as may be assigned to it by the Council.
- (3) The functions of Ethics and Code of Conduct Committee shall be to:
- (a) advise the Council on matters related to ethics and codes of conduct in Medical Laboratory professions;
 - (b) scrutinize allegations of professional misconduct submitted to the Council and make recommendations on appropriate action to be taken against the suspected person; and
 - (c) perform any other function as may be assigned to it by the Council.
- (4) The functions of the Policy, Planning and Finance Committee shall be to:
- (a) assist in developing strategic plans for the Council;
 - (b) assist the Council in developing policy guidelines and procedures;
 - (c) prepare the annual budget estimates of the Council;
 - (d) scrutinize audited reports before being submitted to the Council;
 - (e) advise Council on financial matters; and
 - (f) perform any other function as may be assigned to it by the Council.

Composition
of the
Committee.

10. The composition, procedures and other terms and restrictions of the committees shall be as described by the Council.



PART THREE MANAGEMENT AND STAFF OF THE COUNCIL

Appointment
of the
Registrar.

11.-(1) There shall be a Registrar of the Council to be appointed by the President.

(2) The Registrar shall be a Chief Executive Officer of the Council and shall be responsible for the administration and management of the affairs of the Council.

Qualifications
of the
Registrar.

12. A person shall be eligible to be appointed as a Registrar, if he:

- (a) is a Zanzibari;
- (b) has at least a first degree in Medical Laboratory sciences;
- (c) is a senior Medical Laboratory Practitioner from public service with working experience of not less than ten years in that field; and
- (d) has high level of integrity.

Functions of
the Registrar.

13.-(1) The functions of the Registrar shall be:

- (a) to register Medical Laboratory Practitioners upon approval by the Council;
- (b) to keep and maintain Register and records of the all registered Medical Laboratory Practitioners;
- (c) to make necessary alteration, correction and deletion to the Register in relation to any entry as may be directed by the Council;
- (d) in collaboration with the Medical laboratory Inspectors, to inspect with full access, matters related with laboratory services on behalf of the Council;
- (e) to record and keep minutes and proceedings of the meetings of the Council and its committees;
- (f) to receive complaints and submit to the Council;
- (g) a custodian of the seal of the Council;
- (h) responsible for management of funds, property, staff and any other resources of the Council;



- (i) to develop and implement policies and plans of the Council;
- (j) the disciplinary authority for the staff of the Council; and
- (k) to perform any other functions as may be directed by the Council subject to the provisions of this Act.

(2) The Registrar shall, in the performance of his functions, be answerable to the Council

Appointment, qualifications and functions of the Deputy Registrar.

14.-(1) There may be a Deputy Registrar to be appointed by the President.

(2) The qualifications of the Deputy Registrar shall be the same as the qualifications of the Registrar.

(3) The Deputy Registrar shall assist the Registrar in day to day activities of the Council and shall perform such other functions as may be prescribed by the Council.

Register and publications.

15.-(1) The Council shall establish a Register for the Medical Laboratory Practitioners to be kept and maintained by the Registrar.

(2) The Register shall contain registration number, name, addresses, qualifications and other particulars of all Medical Laboratory Practitioners entitled to be registered.

(3) The Registrar shall:

- (a) be the custodian of the Register; and
- (b) be responsible for the maintaining and updating of entries in the Register as directed by the Council.

(4) The Registrar shall publish in the Official Gazette in every year, the list of the registered Medical Laboratory Practitioners.

Officers and Staff of the Council.

16.-(1) There shall be staff of the Council to be employed upon such terms and conditions in accordance with the provisions of the Public Service Act and its Regulations.

(2) Officers and secretariat of the Council shall, in the performance of their functions, be answerable to the Registrar.



PART FOUR REGISTRATION AND LICENSE

Application
for
Registration
and Grant of
License.

17.-(1) A person who qualifies to practice Medical Laboratory in Zanzibar shall apply to the Council for registration and grant of a license.

(2) The Council shall scrutinize the applications made under subsection (1) of this section and shall register the applicant who meets the requirements as specified in this Act and its Regulations.

(3) Such application shall be determined within thirty working days from the date of submission of that application.

(4) In the event that an application is not determined within the time prescribed under subsection (3) of this section, the Registrar shall communicate or forward reasons to the applicant for failure to do so.

(5) The Council shall, on payment of a prescribed fee and after being satisfied that the applicant met the required qualifications to enable him to practice as a Medical Laboratory Practitioner, grant practicing license to such field.

(6) The Council may refuse any application made under this section, provided that the Council shall inform the applicant the reasons for such refusal.

(7) The Council shall not register and issue a license to any person who has been removed from the Register of any other country.

(8) Any person aggrieved by a decision of the Council under this Part may appeal against such decision to the Minister.

Eligibility
for
Registration.

18.-(1) Subject to the provisions of this Act, a person shall be eligible to be registered as a Medical Laboratory Practitioner after fulfilling the following requirements:

- (a) has successfully completed a course of training as a Medical Laboratory Practitioner and awarded a diploma, advanced diploma, degree or above from a recognized institution;
- (b) has academic transcripts issued from a recognized institution; and
- (c) has evidence of completion of internship program for at least degree holder;

(2) For a person who is not resident of Zanzibar shall:



- (a) produce evidence to the satisfaction of the Council that he has been registered and is still entitled to be registered as a Medical Laboratory Practitioner in the country of his origin;
- (b) produce evidence that he has successfully completed a course of training as a Medical Laboratory Practitioner in a recognized institution by the Council;
- (c) has a valid certificate or letter of good standing issued in the Country in which he last worked; and
- (d) has a valid passport.

(3) Where in the absence of the evidence referred to in subsection (2) (a) and (b) of this section, the Council shall provide examination to a person who is seeking registration and that person shall be required to pass such examination.

(4) Without prejudice to the generality of the provisions under subsections (1), (2) and (3) of this section, that application shall be accompanied with the certified copies of the following documents:

- (a) a receipt of the fee of the registration and license;
- (b) curriculum vitae;
- (c) two passport size photographs recently taken; and
- (d) any other additional requirements and evidence relating to acquisition of practical experience in Medical Laboratory as the Council may describe.

Provisional
registration.

19.-(1) Any person who is not entitled to be registered as a Medical Laboratory Practitioner after completion of the course shall, if he produces the evidence satisfactory to the Council that he has been selected for internship in a hospital recognized by the Council for the purposes of this section and that such internship provides the required practical experience, be entitled to be given a provisional registration.

(2) A provisional registered Medical Laboratory Practitioner shall, as far as it is necessary, be able to acquire practical experience for the purpose stated in subsection (1) of this section.

(3) A person who obtains a provisional registration shall, upon payment of prescribed fees, be issued with a certificate of provisional registration.



Temporary
registration.

20.-(1) Where a person satisfies the Council that he:

- (a) is not ordinarily a citizen or resident of the United Republic of Tanzania;
- (b) is or intends to be employed in Zanzibar in the capacity for which he is applying for the purpose of carrying out specific assignment in research or teaching;
- (c) is entering or immediately before entering to Zanzibar was in practice as a Medical Laboratory Practitioner; and
- (d) will abide with the provisions of this Act and Regulations made under this Act,

the Council may register him for the duration of specific assignment or for the period which the Council may specify, in either case, but such period shall not exceed six months.

(2) For purposes of satisfying the requirements under section 18 of this Act, the Council may direct a person who is not an ordinary resident of Zanzibar to sit for examination upon payment of the prescribed fee.

Registered
person to
practice
according
to ethics
and code of
conduct.

21.-(1) A registered Medical Laboratory Practitioner shall attend the clients according to laboratory ethics and codes of conduct made under this Act.

(2) A registered Medical Laboratory Practitioner shall comply with quality assurance requirements including internal quality control and shall participate in external quality assessment practice where applicable.

Inspections
of Medical
Laboratory
training
programmes

22. The Registrar, in collaboration with the Inspector or any other person authorized by the Council, may, for purposes of ensuring that the provisions of this Act are complied with, enter upon and inspect any institution providing Medical Laboratory training programmes.

Appointment,
functions
and powers
of Medical
laboratory
Inspector.

23.-(1) The Council shall appoint a person among the Medical Laboratory Practitioners to be an Inspector.

(2) The Inspector appointed under subsection (1) of this section shall perform the following functions:



- (a) at all reasonable time, may enter into any public or private Medical Laboratories for the purpose of inspection on matters regulated under this Act;
- (b) in collaboration with the relevant authority, may temporarily suspend any Medical Laboratory found to contravene any provisions of this Act; and
- (c) do or perform any other functions as may be assigned to him by the Registrar or the Council in accordance with this Act.

(3) After the inspection, the Medical laboratory Inspector shall, within a period of two weeks, submit a report to the Council.

Medical
laboratory
Inspector
to be issued
with Identity
card.

24.-(1) Every inspector shall be issued with identity card by the Council.

(2) The inspector shall take identity card every time when he is performing his functions and powers under this Act.

PART FIVE DISCIPLINARY PROVISIONS

The Registrar
to receive
complaints.

25.-(1) The Registrar shall, on behalf of the Council, receive complaints from any person against any Medical Laboratory Practitioner or health facility in malpractice and present such complaints to the Council.

(2) The Council may regard a Medical Laboratory Practitioner as unfit to practice.

(3) For the purpose of this section, “unfitness to practice” means a person whose fitness to practice is impaired by reason of:

- (a) professional misconduct against the Medical Laboratory Ethical Code of Conduct;
- (b) lack of competence;
- (c) his physical or mental health is impaired;
- (d) a determination by a recognized Medical Board or any other licensing board responsible for health; or
- (e) regulations in any other jurisdiction.



(4) Subject to the provisions of subsection (3) of this section, the term “professional misconduct” shall be construed as:

- (a) contravening any provision of this Act or its Regulation;
- (b) failure to abide by terms, conditions or limitations of a license as a registered Medical Laboratory Practitioner;
- (c) abusing a client verbally, physically, sexually or emotionally;
- (d) having conflict of interest which affects the client and practitioners relationship;
- (e) influencing a client to change his will, advance health care; directives or power of attorney;
- (f) abandoning a client who is in need of attention;
- (g) misappropriating investigations;
- (h) failure to report the incompetence, negligence or professional misconduct of a colleague whose actions endanger the health of a client;
- (i) failure to exercise discretion in respect of the disclosure of confidential information about the client;
- (j) falsifying record in respect of the examination or laboratory result of a client;
- (k) failure to maintain standards of practice and the code of ethics of the profession; and
- (l) any conduct or an act relevant to the delivery of services that having regard to all circumstances would reasonably be regarded in the profession as dishonorable, unprofessional or injurious to client’s care.

(5) Every complaint under this section shall be accompanied by a written statement made by a complainant, or any person acting on behalf of complainant or by a person interested in the act or omission giving rise to the complaint.

(6) Notwithstanding the provisions of subsection (5) of this section, the Council may on its own motion, initiate any preliminary inquiry on a Medical Laboratory



Practitioner if it is satisfied that the information received by the Council warrants holding a preliminary inquiry.

Inquiry
by the
Council.

26. The Council may conduct any inquiry against a registered Medical Laboratory Practitioner if he is:

- (a) accused of an offence under this Act;
- (b) accused of criminal offence involving dishonesty or fraud or moral turpitude; or
- (c) alleged to have committed any malpractice, negligence or serious professional misconduct or disobeying any regulation or directive made under this Act.

Disciplinary
Power of the
Council.

27.-(1) The Registrar, upon receipt of a complaint against a Medical Laboratory Practitioner, may, within thirty days, temporarily suspend a Medical Laboratory Practitioner from practicing, pending conduct or completion of inquiry by the Council.

(2) The Council has the power to collect evidence and call for the production of documents for the purpose of inquiry conducted under this Act.

(3) Upon completion of inquiry in accordance with the provisions of this Act, the Council may:

- (a) suspend, confirm, extend or reduce the temporary suspension; or
- (b) order:
 - (i) the removal of the name of the Medical Laboratory Practitioner from the Register;
 - (ii) the suspension from practice of the Medical Laboratory Practitioner for a period that it may deem fit; or
 - (iii) caution, censure or otherwise reprimand the Medical Laboratory Practitioner.

(4) A punishment, other than interim or temporary suspension, may not be imposed upon the Medical Laboratory Practitioner unless due inquiry is made.

(5) Within seven working days after the determination of an inquiry, the Registrar shall communicate the decision of the Council to the parties.



Disobedience
of Summons
and refusal
to give
evidence.

28.-(1) A person who has been served with summons to attend or give evidence or to produce any document at any inquiry held under the provisions of this Act:

- (a) fails without reasonable cause to obey summons;
- (b) refuses without reasonable cause to answer questions put to him by the Council; or
- (c) willfully interrupts the proceedings of the Council or insults a member of the Council,

commits an offence, and shall upon conviction, be liable to a fine of not less than Five Hundred Thousand Tanzanian Shillings or imprisonment for a term of not less than two months or both.

(2) Any person giving evidence before the Council shall, in respect of any evidence given by him or any other document produced by him, be entitled to all privileges which he would have been entitled to as a witness before a court of law.

Removal
from the
Register.

29.-(1) The Council may remove from the Register any name of a registered person who fails to comply with the provisions of this Act.

(2) Any person whose name has been removed from the Register shall not be employed or practice as a Medical Laboratory Practitioner within Zanzibar.

(3) The Council shall publish the name of the deregistered Medical Laboratory Practitioner in the Official Gazette.

Surrender
of certificate
on removal
of name
from
Register.

30.-(1) Any person whose name has been ordered to be removed from the Register under the provisions of this Act shall, within thirty days of the notification to him such order or the dismissal of any appeal against such order, in accordance with law, surrender to the Council any certificate or license issued to him by the Council.

(2) Any person who fails to comply with the provisions of subsection (1) of this section, commits an offence and shall, upon conviction, be liable to a fine of not less than Five Hundred Thousand Tanzanian Shillings or to imprisonment for a term not exceeding six months and the Court shall order that certificate to be cancelled.

Appeal against
suspension
from practice
or removal
from Register.

31. Any person who considers himself aggrieved by any order or decision of the Council, may appeal to the Minister against that order or decision.



Restoration
of name
after
removal.

32. The Council may, on application of the person whose name has been removed from the Register, after the expiration of a prescribed period, restore the name of such person upon payment of a prescribed fee and fulfillment of other prescribed conditions.

Conditions
for restoration
of the
name to the
Register.

33.-(1) The Council shall restore the name of a person in the Register to enable him to practice if he fulfills the following conditions:

- (a) has been suspended from practice for a period of two years and his application be heard by the Council and proved for the fitness to practice Medical Laboratory technology;
- (b) proved that he is not guilty of the offence suspected to be committed; and
- (c) proved innocent after complying to the conditions imposed by the Council.

(2) Notwithstanding the provisions of subsection (1) of this section, the Council may impose other conditions to be fulfilled after the determination of the name of the offense or misconduct of an applicant.

PART SIX FINANCIAL PROVISIONS

Sources of
funds of the
Council.

34.-(1) The funds and resources of the Council shall include:

- (a) funds as may be approved by the House of Representatives;
- (b) fees or charges received by the Council in the course of performing its functions;
- (c) such lawful donations, grants, bequests or loans as may be received from any person or organization; and
- (d) any other funds as may be legally acquired by the Council.

(2) All expenditures of the Council shall be made from the funds of the Council as approved by the Council.

Accounts
and Audit.

35.-(1) The Registrar shall properly keep and maintain books of accounts which include all financial records and transactions for each financial year.



(2) The financial records of the Council shall be audited by the Controller and Auditor General.

Application
of the Public
Finance
Management
Act.

36. The Public Finance Management Act and other laws relating to public funds shall apply in all financial transactions and affairs of the Council, including:

- (a) annual estimates;
- (b) supplementary estimates;
- (c) keeping and maintain books of accounts;
- (d) preparation of financial statements;
- (e) audit and accounts; and
- (f) any other transactions of the Council.

Annual
Report.

37.-(1) The Council shall, within six months after the end of each financial year, submit to the Minister an annual report in respect of that year containing:

- (a) a copy of the audited accounts of the Council, together with the auditor's report on those accounts;
- (b) a report on the performance of the Council during that financial year; and
- (c) such other information on the activities of the Council as the Minister may require.

(2) The financial year starts from 1st July to 30th June of the next year.

PART SEVEN OFFENCES AND PENALTIES

Illegal
practice.

38.-(1) A person who:

- (a) practices Medical laboratory Technology without registration and a valid license;
- (b) has been suspended from practice as a Medical Laboratory Practitioner by an order of the Council, habitually or for gain practices as a Medical Laboratory Practitioner;



(c) has been removed from the Register; or

(d) disobeys any order or directives of the Council,

commits an offence and shall, upon conviction, be liable to a fine of not less than Two Million Tanzanian Shillings or to imprisonment for a term not exceeding three years or both.

(2) Where a person is convicted of an offence under subsection (1) of this section, the court may order any equipment or supplies used by or belonging to or found in the possession of the person convicted, to be forfeited, confiscated or otherwise disposed of.

False
statement or
documents.

39. A person who:

- (a) procures or attempts to procure registration or a license by making or causing to be made or producing any false or fraudulent statement or documents;
- (b) deliberately makes or causes to be made any falsification in any matter relating to the Register; or
- (c) assists or aids that person therein,

commits an offence and shall, upon conviction, be liable to a fine of not less than Two Million Tanzanian Shillings or to imprisonment for a term of three years or both.

Commencing
Medical
Laboratory
Technology
programme.

40. Any institution commencing a Medical Laboratory technology training school or purporting to train any cadre of Medical Laboratory without approval of the Council commits an offence and shall, upon conviction, be liable to a fine of not less than Four Million Tanzanian Shillings but not exceeding Ten Million Tanzanian Shillings.

Impersonation
and misrepresentation.

41. A person who impersonates, misrepresents, falsely assumes and uses names, titles and uniforms of a registered Medical Laboratory Practitioner, commits an offence and shall, upon conviction, be liable to a fine of not less than Two Million Tanzanian Shillings or to imprisonment for a term not exceeding two years or both.

Provisions
regarding
proceedings
of the
Council.

42. Any person who contravenes section 28 of this Act, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or to imprisonment for a term not exceeding two years or both.



Employing
a person not
registered or
licensed.

43. A person who employs any person to practice medical laboratory technology as a registered Medical Laboratory Practitioner, who is not registered or licensed, commits an offence and shall, upon conviction, be liable to a fine of not less than Two Million Tanzanian Shillings or to imprisonment for a term not exceeding two years or both.

Assisting or
aiding
commission
of offence.

44. A person who assists or aids another person to commit an offence under this Act, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million and Five Hundred Thousand Tanzanian Shillings or to imprisonment for a term of not exceeding three years or both.

Penalty for
hindering or
constrain an
Inspector.

45. A person who willfully hinders by whatever means or constrain the Inspector, Registrar or any officer authorized by the Council to do inspection or to exercise his power, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or to imprisonment for a term of not exceeding three years or both.

Publications.

46.-(1) A person who publishes or in any other manner, brings to the notice of the public or cause or permit to be published any false or misleading advertisement of any kind of Medical Laboratory services or medical laboratory trainings, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or imprisonment for a period not exceeding six months.

(2) A person who publishes or advertises Medical Laboratory services, commits an offence and shall, upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or imprisonment for a period not exceeding six months or both.

General
Penalty.

47. A person who commits an offence under this Act for which no specific penalty is provided shall, upon conviction, be liable to a fine of not less than Six Hundred Thousand Shillings Tanzanian or imprisonment for a term not less than six months or both.

PART EIGHT MISCELLANEOUS PROVISIONS

Fees and
Charges.

48. There shall be such sum of fees and charges to be paid to the Council for any service provided by the Council on such amount as may be, from time to time, prescribed by the Minister.

Registered
Medical
Laboratory
Practitioner
to provide
quality Medical
laboratory
services.

49.-(1) A registered Medical Laboratory Practitioner shall provide Medical Laboratory services according to:

(a) Medical Laboratory Ethics and Codes of Conduct;



- (b) Quality Management System, National and International Medical Laboratory Standards; and
 - (c) the profession with decency, integrity and honesty and communicate effectively with and will display an appropriate attitude towards patients and colleagues.
- (2) A registered Medical Laboratory Practitioner shall:
- (a) protect the welfare of the patient and respect for the dignity of all individuals;
 - (b) treat patients, service users and staff with the same degree of respect without discriminate on the basis of gender, religion, race, disability or age;
 - (c) promote the image and status of their profession by maintaining high standards in their professional practice and through active support of their professional bodies;
 - (d) not perform procedures that he personally believes are unethical, illegal, or may be harmful to patients;
 - (e) practice within the scope of their professional competence;
 - (f) comply with the provisions of this professions, this Act and its Regulations;
 - (g) protect the confidentiality of all patient information in accordance with the existing legislation;
 - (h) perform all duties in compliance with all country's legislations for the protection of patients, health care providers, the general public and the environment;
 - (i) notify the responsible person if something interferes with his ability to perform tasks effectively;
 - (j) observe professional responsibilities for practice and adhere to standards of practice and total quality systems;
 - (k) resolve medical laboratory conflicts of interest in favor of the patient or laboratory services users;



- (l) use equipment and laboratory wares correctly and not waste reagents or other laboratory supplies;
- (m) display and abide by the laboratory bio-safety and bio-security rules and regulations;
- (n) not perform or recommend laboratory investigation procedures that are not necessary or share fees for providing laboratory services in a false or misleading manner;
- (o) not to delegate to a person who is not a qualified Medical Laboratory practitioner to perform Medical Laboratory work; and
- (p) share knowledge with his colleagues and co-operate fully with other health care practitioners in the provision of optimal laboratory services and care.

(3) A person who contravenes the provisions of subsection (1) of this section, commits an offence.

Regulations.

50.-(1) The Minister may make Regulations generally for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may make Regulations prescribing:

- (a) fees and charges to be paid under this Act, including the fees payable for any Registration under this Act;
- (b) standards and conditions of professional practice of registered Laboratory Practitioners;
- (c) the ethics and codes of conduct for the Medical laboratory practitioners;
- (d) the application form, procedures and other requirements for the registration of a person under this Act;
- (e) the examinations that may be taken in accordance with this Act;
- (f) the inspection of Medical Laboratories;



- (g) particulars required to be given in any notification or notice given or issued under this Act;
- (h) regulation and control of any aspect of medical laboratory practice;
- (i) procedures associated with any process or proceedings under this Act;
- (j) procedures for appeals or conducting inquiry; and
- (k) a list of qualifying countries for the licensure of Medical Laboratory Practitioners;



SCHEDULE

PROVISIONS RELATING TO THE PROCEEDINGS OF THE COUNCIL

[Made under Section 4(8)]

Meetings of
the Council.

1.-(1) The Council shall meet ordinarily once in every three months and may meet at any time when the need arises for the discharge of business at such places as the Council may from time to time appoint.

(2) All meetings of the Council shall be presided over by the Chairperson, or in his absence, the members present shall elect one among them to preside the meeting, and the member so elected shall exercise all the powers and perform all the duties of the Chairperson.

Quorum of a
meeting.

2. More than half of the total number of members shall constitute a quorum at any meeting of the Council.

Decisions
of the
Council.

3.-(1) The Council shall make its decision by consensus of all members and in the event of disagreement, the decision shall be reached by voting and in case of an equality in the votes, the Chairperson or member presiding the meeting shall have a casting vote.

(2) Notwithstanding the provisions of subsection (1) of this section, decisions may be made by the Council by circulation of papers to the members whereby each member shall express his views in writing, provided that any member may require that any such decision be deferred for discussion at a full meeting of the Council.

(3) A circular resolution in writing signed by all members for the time being in Zanzibar but who shall not be less than five members, shall be as effectual as a decision made at a meeting, provided that a member may require, notwithstanding the members' signature, the matter be brought at the following Council meeting.

Co-opting
of a person.

4. The Council may co-opt any person who is not a member to attend any deliberations of the meeting of the Council as an expert, but such person so co-opted shall not have the right to vote.

Minutes
of the
Meetings.

5. The minutes of all proceedings of each meeting of the Council shall be confirmed by the Council at its next meeting and signed by the Chairperson of the meeting and Secretary of the Council.



Procedures
of the
meetings.

6. Subject to the provisions of this Act, the Council shall have the power to regulate its own procedures in respect of the meetings and the proper conduct of its business including committees of the Council.

Resignation
of member.

7.-(1) The Chairperson or a member of the Council may, at any time, resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

(2) Where a person ceases to be a Chairperson or member of the Council, as the case may be, for any reason before the expiration of his term of office, the appointing authority shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

(3) Where any member becomes absent from three consecutive meetings of the Council without reasonable excuse, the Chairperson of the Council shall report to the Minister of the fact, and the Minister shall terminate the appointment of the member and appoint another member in his place, and the person so appointed shall hold office for the remaining term of office of his predecessor.


Vacancy of
member.

8.-(1) The office of a member of the Council shall become vacant:

- (a) upon his death;
- (b) if he, without sufficient cause, fails to attend three consecutive meetings of the Council;
- (c) if he resigns or becomes in any manner disqualified from membership of the Council; or
- (d) if he becomes incapacitated by reasons of physical or mental health to perform his duties.

(2) Subject to the provisions of this Act relating to quorum, the Council may act notwithstanding any vacancy of a member thereof and no act or proceedings of the Council shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.

PASSED by the House of Representatives of Zanzibar on 6th April, 2020


.....
(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.