

**CHAPTER 61:02 - BOTSWANA HEALTH PROFESSIONS: SUBSIDIARY LEGISLATION  
(previously "MEDICAL, DENTAL AND PHARMACY")  
INDEX TO SUBSIDIARY LEGISLATION**

Botswana Health Professions (Professional Conduct) Regulations  
**BOTSWANA HEALTH PROFESSIONS COUNCIL  
(PROFESSIONAL CONDUCT) REGULATIONS**  
(section 18)  
(29th April, 1988)

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S.I. 56, 1988,  
 S.I. 77, 1999.

## 1. Citation

These regulations may be cited as the Botswana Health Professions (Professional Conduct) Regulations.

## 2. Interpretation

In these regulations-

**"advertisement"** includes any advertisement contained in a publication or any advertisement broadcast on radio or television;

**"lay assembly"** means an assembly of persons who are not practitioners;

**"practitioner"** means a medical practitioner or a dentist;

**"publications"** includes:

- (a) any newspaper, book, periodical, pamphlet, poster, playing card, calendar or other printed matter;
- (b) any writing or typescript which has in any manner been duplicated or exhibited or made available to the public or any section of the public;

**"Special Committee"** means a Special Committee of the Medical Ethical Advisory Council appointed by the Council to conduct enquiries into the conduct of practitioners.

## 3. Acts of misconduct

(1) Sound relationships between practitioners as colleagues are essential for furthering the public esteem and trustworthiness of the professions and therefore of the practitioners themselves.

(2) The quality of a practitioners services is traditionally the justified means by which he should become professionally known. Competition is in the medico-scientific field and the disclosure of personal findings and views should take place only in the professional media.

(3) Contravention of these regulations by a practitioner shall, for the purpose of section 14 of the Act, constitute improper or disgraceful conduct.

## 4. Advertisement

(1) No practitioner shall advertise himself or his professional services with a view to his (direct or indirect, immediate or eventual) professional gain, or permit such advertisement.

(2) A practitioner may-

- (a) notify other practitioners of any change of address, dissolution of partnership or commencement of practice;
- (b) notify his patients of any change of address:

Provided that such notification is enclosed in a sealed envelope and addressed to the other practitioner or patient as the case may be;

- (c) publish in a telephone directory his-

- (i) name and the name of his partner;
  - (ii) home address and the address of his surgery or consulting rooms; and
  - (iii) telephone number; and
  - (iv) registered speciality;
- (d) in the case of a practitioner whose speciality has been registered, notify other medical practitioners of having commenced practice in his speciality, his address, qualifications and speciality:
- Provided that the communications themselves shall bear the name of the individual medical practitioner to whom they are addressed and shall be enclosed in a sealed envelope;
- (e) affix on envelopes his name without his title or any qualification, and a return address in case of non-delivery;
  - (f) publish articles in professional journals and publish scientific books for use by the professions and students of medicine, dentistry, nursing and related professions indicating his name and professional qualifications;
  - (g) publish non-professional books and non-professional articles in the lay press under his own name without indication of professional qualifications and without the professional, title "Dr."

## **5. Exceptions to prohibition of advertisement**

(1) Nothing in this section shall prohibit-

- (a) a practitioner who is a member of the public service and is acting in the course of his official duties; or
- (b) an officer of a medical association who is acting in the course of his official duties; or
- (c) any practitioner, when dealing with matters of a purely academic nature, public health, hospital administration and other similar matters, from publishing an article or delivering an address or lecture to a lay assembly on matters of a medical nature.

(2) A medical practitioner in general may restrict his practice to a particular branch of medicine but may not circularise his colleagues or other persons to this effect, since this may create the impression that he is a specialist.

## **6. *Locum tenens***

A practitioner who has served as *locum tenens* for another practitioner may not commence private practice in the same locality.

## **7. Business advertisement**

A practitioner may not-

- (a) permit his name to be used in connection with the advertisement of medical or dental instruments, appliances, dressings, medicine beverage, toilet or dietary preparations in the lay press;
- (b) permit his name to be used as part of the title of a medical or dental practice carried on or managed by any lay person or company;
- (c) permit the publication of his name in connection with advertisements or appeals to the public on behalf of sickness benefit societies or similar commercial organisations.

## **8. Name plates**

(1) A practitioner shall not use any device other than a name plate to indicate his consulting rooms.

(2) A name plate shall-

- (a) not exceed 360 mm X 210 mm in size;
- (b) not contain more than the practitioner's name, title, profession, qualifications or degree, registered speciality if any, telephone number and hours of consultation.

(3) A practitioner shall not have more than one name plate at each entrance to a building and one on the door of the consulting room.

(4) In the case of occupants of a large building where special provision is made in the

entrance hall and on the various floors to indicate the tenants, it shall be permissible to make use of such provision.

(5) If necessary in large buildings, a name plate with the name of the practitioner only may be used in the corridor for the direction of patients.

(6) A practitioner may on succeeding to a practice or on death or retirement of a partner, retain the name-plates or notices of such practice or partnership for a period not exceeding twelve months, during which period of twelve months succession to the practice shall be indicated by the words "Successor to".

(7) A practitioner who moves his consulting rooms from one premises to another may display a notice giving his name and new address at or near his previous consulting rooms for a period not exceeding twelve months.

(8) Professional name plates shall not be displayed at any place other than where a practitioner actually resides or where he *bona fide* practises.

#### **9. Signs that are not permitted**

Use of the following is not permitted-

- (a) a name plate exceeding the size stated in regulation 8;
- (b) a street sign board;
- (c) a name plate or lettering on balconies;
- (d) a name plate or lettering on windows; in the case of building where no facilities exist or can be conveniently provided for affixing a name plate such as are specified, a name plate complying in every respect with that herein prescribed may be affixed to or painted on a plate-glass window as near as possible to the side adjacent to the *bona fide* entrance to such building;
- (e) a name plate on an outside wall or pillar which forms part of a building but not a *bona fide* entrance to that part of the building in which his consulting room is situated.

#### **10. Consulting rooms**

(1) No practitioner shall conduct a practice from premises other than those in which his consulting room is situated:

Provided that the provision of this regulation shall not apply if a practitioner provides an adequate service at other premises commensurate with practice at fees similar to those pertaining in his consulting rooms.

(2) No practitioner shall share consulting-rooms with any other person who is not a practitioner.

#### **11. Stationery**

No practitioner shall allow anything to be printed on stationery for use in his practice except, in the case of-

- (a) a letter paper and account forms, his;
  - (i) name, address and telephone number;
  - (ii) consulting hours;
  - (iii) registered professional qualifications, civil honours and honorary degrees in abbreviated form;
- (b) an envelope, his address.

#### **12. Use of prescription forms or codes**

(1) No practitioner shall use a prescription form or envelope which bears the name or address of a pharmacist.

(2) No practitioner shall issue a prescription using a secret code or cipher.

#### **13. Canvassing for business prohibited**

No practitioner shall canvass or tout for patients either personally or through agents or in any other manner.

#### **14. Commission**

(1) No practitioner shall by way of commission, accept monies or articles of any nature

whatsoever from-

- (a) a pharmacist; or
- (b) a manufacturer or dealer in surgical or medical appliances or materials; or
- (c) any person in return for recommending or sponsoring medical articles or services to the public or any member thereof.

(2) No practitioner shall pay by way of commission, any monies on articles of any nature whatsoever to any person in return for recommending that patients should seek the professional advice of such a practitioner.

(3) No practitioner shall share his fees with any person who has not taken part in the services for which fees are charged.

#### **15. Collaboration with unregistered persons**

No practitioner shall-

- (a) employ as a professional assistant or *locum tenens*; or
- (b) assist or act in collusion with; or
- (c) enter into a medical partnership with, or employ or use the services as an anaesthetist, of a person not registered in Botswana.

#### **16. Assistance for unregistered persons**

A practitioner shall not advise, assist or co-operate with any person who renders or purports to render medical services but who is not registered as a practitioner:

Provided that public officers may in the course of their duties hold seminars and meetings with traditional and faith healers, who are recognised as such by their communities.

#### **17. Financial interest in organisation that advertises for patients**

No practitioner shall have financial interests in-

- (a) a nursing home;
- (b) a medical aid society; or
- (c) any other association or institution, that advertises for patients.

#### **18. Tendering**

A practitioner shall not tender for full-time, part-time or any other type of employment.

#### **19. Patient's right of choice of practitioner**

A practitioner shall not in any way impede a patient or a patient's representative from consulting another practitioner for the sake of obtaining another opinion.

#### **20. Respect for professional reputation and the good name of colleagues**

A practitioner shall not unjustifiably cast any reflection upon the probity or professional reputation and skill of a fellow practitioner.

#### **21. Professional secrecy**

(1) A practitioner shall not divulge, verbally or in writing, without the express consent of the patient, or, in the case of a minor, without the express consent of his parent or guardian, or, in the case of a deceased patient, without the consent of his next of kin-or-the executor of his estate, any information regarding the ailments of the patient.

(2) Notwithstanding the provisions of subregulation (1), a person taking care of, living with or otherwise coming into regular close contact with the patient shall be informed about such patient's medical condition where the said patient is suffering from a communicable disease or has an infection which may be passed to such person if appropriate precautions are not taken.

(3) The duty of confidentiality imposed on a practitioner by subregulation (1) shall also not apply in the following circumstances-

- (a) the practitioner is summoned to appear before a court of competent jurisdiction in Botswana and the court orders the disclosure of the information; or
- (b) the information is required by another practitioner or by any legal representative who requires or is entitled to the information in the course of his professional duties.

#### **22. Issue of medical certificates**

A practitioner shall not issue a medical certificate unless he is satisfied, from personal

observation, that the facts are correctly stated therein, and where the facts have only been communicated by the patient to the practitioner, the practitioner shall qualify the certificate by the words "as I was informed by the patient" or a similar comment.

### **23. Employment with medical aid society**

(1) A practitioner shall not accept or take up any appointment in his professional capacity with a medical aid society or any other similar society or organization unless-

- (a) a notice inviting applications for such appointment has been advertised in a newspaper;
- (b) details of the proposed terms of employment are made available to the Permanent Secretary, and to all *bona fide* applicants;
- (c) the terms of employment are in writing, and set out clearly the professional services required, together with the fees or remuneration payable for such services;
- (d) the terms of the contract are on a basis which accords with the dignity of the profession and are not inimical to the interests of the public; and
- (e) provision is made in the terms of employment for-
  - (i) the practitioner to receive fees or remuneration exclusively from the contracting party; and
  - (ii) the contracting party to be liable for such fees or remuneration.

(2) This section shall not apply to appointments made to the public service.

### **24. Publication of name, etc., in association with medical aid society, etc.**

A practitioner who, in terms of rule 23, is associated with a medical aid society or any other similar society or organisation, shall not permit his name, qualifications or address to appear on any publication relating to the organization unless the name, qualifications or address appear in a publication designed to notify members of the society or organization as to what benefits are available to them in terms of the rules of such society or organizations.

### **25. Use of special apparatus or treatment**

(1) A practitioner shall not use, in the conduct of his practice, any form of treatment, apparatus or technical process which is claimed to have special attributes but which upon investigation proves to be incapable of fulfilling the claims made in regard to it.

(2) A practitioner shall not claim that his apparatus is superior to anyone else's or that it is secret.

### **26. Obstruction of the committee**

A practitioner shall not-

- (a) in any way hinder or obstruct the Council, or its designated representative, from carrying out its duties;
- (b) fail to comply with any notice, order, or direction issued by the Council in terms of the Act.

### **27. Performance of professional acts by registered practitioners**

A practitioner shall not perform any operation or professional act for which he is inadequately trained and insufficiently experienced, except in an emergency.

### **28. Conduct derogatory to reputation of profession**

(1) Every member of the medical profession shall observe proper standards of personal behaviour, not only in his professional activities, but at all times.

(2) Disciplinary proceedings may be taken for-

- (a) personal abuse of alcohol or other drugs;
- (b) dishonest behaviour;
- (c) indecent or violent behaviour,

even though the occasion giving rise to the proceedings was not one upon which the person to be disciplined was acting in this capacity as a medical practitioner.

### **29. Personal misuse of alcohol or other drugs**

(1) Convictions for drunkenness or other offences arising from misuse of alcohol (such

as driving a motor car when under the influence of drink) bring discredit on the profession and a practitioner may upon a first conviction for drunkenness expect to receive a warning letter; further convictions may lead to an enquiry before the Council.

(2) A practitioner who treats patients or performs other professional duties while he is under the influence of drinks or drugs, or who is unable to perform his professional duties because he is under the influence of drink or drugs, is liable to disciplinary proceedings.

### **30. Dishonesty**

(1) A practitioner is liable to disciplinary proceedings if he is convicted of criminal deception (obtaining money or goods by false pretences), forgery, fraud, theft or any other offence involving dishonesty.

(2) Disciplinary proceedings may be taken if a doctor improperly demands or accepts fees from patients in circumstances contrary to accepted practice and regulations; or if he knowingly and improperly obtains any payment to which he is not entitled.

### **31. Commercialisation**

A medical practitioner shall be liable to disciplinary proceeding for-

- (a) prescribing for commercial motives, drugs or appliances in which a practitioner has a financial interest;
- (b) making arrangements for fee splitting under which one practitioner would receive part of a fee paid by a patient to another practitioner; and
- (c) for associating with any commercial enterprise engaged in the manufacture or sale of any substance which is claimed to be of value in the prevention or treatment of disease but is of an undisclosed nature or composition.

### **32. Indecency and violence**

(1) Indecent behaviour to or a violent assault on a patient shall be regarded as serious professional misconduct.

(2) A conviction for assault or indecency may render a practitioner liable to disciplinary proceedings, and will be regarded with particular gravity if the offence was committed in the course of a practitioner's professional duties or against his patients or colleagues.

### **33. Complaints**

(1) In a case of alleged improper or disgraceful conduct reported to the Ministry, the persons making the complaint or charge or allegation shall be required to furnish a written statement detailing in concise terms the specific acts complained of and shall be prepared, if so required by the Ministry or the Council, to bring evidence in support thereof.

(2) The complaint and any accompanying documents shall be submitted to the Minister who shall direct the Director of Health Services-

- (a) to call for further information from the complainant; or
- (b) to forward to the accused the documents received from the complainant or to advise the accused of the nature of the complaint and ask him for an explanation, but warning him that such explanation may be used in evidence against him; or
- (c) to refer the case to the Council.

(3) On receipt of the replies asked for under the preceding paragraph the Director of Health Services shall submit them to the Minister or, if no replies are received, the Director of Health Services, shall report it to the Minister. The Minister shall then make his recommendation on the case and this, with all other documents concerned, shall be referred to the Council.

(4) The Council may cause further investigation to be made and seek such legal advice or other assistance as it may deem necessary.

(5) Should the Council resolve that the complaint, even if substantiated, would not constitute improper or disgraceful conduct, or conduct which, when regard is had to the accused persons's profession, would be improper or disgraceful or for any other reason should be withheld from inquiry, it shall take such action as it may think fit and report such action and the grounds therefor to the Minister; all resolutions and actions of the Council shall be subject to

confirmation by the Minister.

(6) Should the Council resolve that the evidence furnished in support of the complaint discloses *prima facie* evidence of improper or disgraceful conduct or conduct which, when regard is had to the person's profession, is improper or disgraceful, it shall arrange to have the case heard by the Council or by a Special Committee of the Council.

#### **34. Interested members to be excused**

(1) A member of the Special Committee shall withdraw from the proceedings of the special committee when it investigates a complaint which was dealt with by the Council while the said member of the Special Committee served as a member of the Council:

Provided that this provision shall not apply to the Director of Health Services.

(2) A member of the Council or Special Committee may ask to be excused if for some reason he feels he would not be able to give the complainant a fair hearing.

#### **35. Notice of charge**

(1) In the event of an inquiry being held, the Council or Special Committee shall issue a summons in the form of Schedule A hereto addressed to the accused stating where and when the inquiry will be held, and shall request such person to answer in writing the charges set forth in the notice of inquiry or accompanying copy of the complainant's statement and to attend before the Committee on the day appointed. The Director of Health Services, shall warn the accused that his answer in writing may be used in evidence.

(2) The accused may be assisted in all proceedings under these regulations by counsel.

(3) The summons referred to in these regulations shall be served on the accused at his registered address or forwarded through the Post Office to him at his registered address by registered letter.

(4) In all cases where the virtual complainant or accused expresses a desire to have persons subpoenaed as witnesses, the Council or Special Committee may, at its discretion, issue the necessary summonses and may require the accused, if witnesses are summoned at his instance, to deposit a sum of money sufficient to cover the costs thereby entailed, and may pay such costs from the amount so deposited. The costs payable to witnesses shall be the costs payable to witnesses before the High Court in criminal cases.

#### **36. Procedure at inquiry**

(1) At an inquiry held in terms of these regulations the procedure shall be as follows:

- (a) The Chairman of the Council or Special Committee shall read the notice of the inquiry addressed to the accused.
- (b) The accused shall then be asked by the Chairman to plead "guilty" or "not guilty" to the charges against him:

Provided that if the accused by a personally signed letter notified the Council or Special Committee before the hearing that he pleads guilty to the charge against him, it may be entered as his plea in his absence, in which event the body holding the inquiry has a discretion as to whether or not to hear evidence pertaining to the charge. If the accused pleads "not guilty", the body holding the inquiry must proceed to hear evidence pertaining to the charge.
- (c) If the accused refuses or fails to plead directly to a charge, the body holding the inquiry shall make a note thereof and enter a plea of "not guilty" on behalf of the accused, and a plea so entered shall have the same effect as if it has in fact been so pleaded.
- (d) Where evidence pertaining to any charge must be adduced either because the accused has pleaded "not guilty" or because the body holding the enquiry has decided that evidence should be adduced, the virtual complainant shall be given the opportunity of stating his case and thereafter of leading evidence in support thereof.
- (e) At the conclusion of the complainant's evidence, if the accused is present or is represented, he or his representative shall be given the opportunity of stating his case and thereafter of leading evidence in support of it:



Provided that the accused shall be allowed to present his defence in writing, should he so wish, in which event such written exposition shall be read to the body holding the enquiry.

- (f) If the accused is absent and he is not represented, any letter, statement, explanation or defence, which he put forward as a result of a request in terms of regulation 33(2)(b) or as a result of the summons issued in terms of regulation, 35(1) or both, shall be read to the body holding the inquiry and shall be received as evidence.
- (g) At the conclusion of the case for the accused, the Council or Special Committee may, if it thinks it desirable, allow further evidence to be led by either the *pro forma* complainant or the accused (or his representative) or by both.
- (h) After all the evidence has been given, the virtual complainant shall be allowed to address the Council or Special Committee on the evidence and on the law irrespective of whether the accused has led evidence or not.
- (i) Thereafter the accused or his representative, if present, shall likewise be allowed to address the Council or Special Committee.
- (j) If it sees fit, the Council or Special Committee may allow the virtual complainant to reply on a question of law which the accused or his representative has raised in his address.
- (k) Members of the Council or Special Committee may, with the consent of the Chairman, put to the witnesses such questions as they think desirable.
- (l) After the evidence of a witness has been given, the opposing party or his representative shall be entitled to cross-examine the witness; thereafter the Chairman of the Council or Special Committee shall be entitled to put to the witness any questions which he wishes to put with his consent. If evidence has been led, the person who led the evidence shall be entitled to re-examine the witness, but shall confine his re-examination to matters on which the witness was cross-examined or on which the Chairman put questions to the witness.
- (m) All oral evidence shall be taken on oath, and the Committee may decline to admit the evidence of any witness or deponent to a document if such witness is not present for, or declined to submit to, cross-examination.
- (n) The statement of a complainant who is not present in person, or of any witness in support of the charge who is not present in person, shall be in the form of an affidavit; however the accused may object to such evidence if he is not given the opportunity of cross-examining the witness:

Provided that where the information or charge has been based on the records of a lawfully constituted court, such records shall be accepted as *prima facie* evidence if they have been certified to be a true copy. If it is practicable and appears just, the Council or Special Committee may subpoena, for the purposes of cross-examination, the witnesses whose evidence appears in the said records.

- (o) Upon the conclusion of the case, the Council or Special Committee shall deliberate upon it in camera.
- (p) If the accused is found not guilty of the charge preferred against him, he shall be advised accordingly forthwith, and where the case has been heard by a Special Committee, the committee shall report its action to the Council who shall report upon it to the Minister.
- (q) If the Council or Special Committee has determined, that sufficient facts have been proved to prove the charge beyond reasonable doubt, it shall decide whether the charge so proved constituted improper or disgraceful conduct, or conduct which, when regard is had to the accused's profession, is improper or disgraceful, and it shall announce its finding in this connection.
- (r) After an announcement of a finding of improper or disgraceful conduct as aforesaid has

been made or after the accused has pleaded "guilty", the Council or Special Committee may hear evidence of previous convictions of the accused under the Act if notice has been given to the accused prior to the commencement of the inquiry that, in the event of a finding of guilty of the conduct with which he is charged, such evidence will be adduced.

- (s) Evidence of previous convictions shall be adduced by means of a certificate under the hand of the Director of Health Services such certificate shall contain the charge preferred against the accused at that time, the findings of the tribunal, the penalty imposed, and an extract from the minutes of the tribunal at which the finding and penalty were confirmed:

Provided that the accused shall be entitled to challenge the correctness of such certificate, in which case a copy of the minutes of the proceedings at any inquiry at which the accused was found guilty together with a copy of the minutes of the meeting of the tribunal at which the finding and the penalty were confirmed shall be produced.

- (t) The Chairman shall then afford the virtual complainant an opportunity of making representations regarding a suitable penalty to be imposed.
- (u) The Chairman shall then afford the accused an opportunity of addressing the Council or Special Committee in mitigation of the penalty to be imposed. The accused may lead or give evidence in mitigation and of character.

### **37. Penalties**

Thereupon the Council or Special Committee shall deliberate in camera upon the penalty to be imposed, which shall be one or other of the following-

- (a) a caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from practising or performing acts specially pertaining to his profession; or
- (c) removal of his name from the register.

### **38. Record of penalty imposed**

Any penalty imposed by the Council or the Special Committee under regulation 37 shall be reduced to writing, shall be signed by the Minister and shall be retained by the Director of Health Services on the personal file of the person concerned.

### **39. Suspended penalty**

Where the Council or Special Committee finds an accused guilty, it may-

- (a) postpone for such period, and on such conditions as may be determined by it, the imposition of the penalty; or
- (b) impose any penalty mentioned in regulation 37(b) or 37(c) but order the execution of such penalty to be suspended for such period and on such conditions as may be determined by it.

### **40. Non-execution of suspended penalty**

If the execution of a penalty has been suspended in terms of paragraph 39(b) and the Council or Special Committee is satisfied that the person concerned has observed all the relevant conditions throughout the period of suspension, the Council or Special Committee shall inform such person that such penalty will not be executed.

### **41. Failure to observe conditions of suspended penalty**

If the execution of a penalty has been suspended in terms of paragraph 39(b) and the Council or Special Committee is satisfied that the person concerned failed to observe any of the conditions of suspension, the Council or Special Committee shall impose the penalty unless the person satisfies the Council or Special Committee that the non-observance of the condition concerned was due to circumstances beyond his control.

### **42. Publication of penalty**

Where a penalty has been imposed and, where necessary, confirmed by the Minister, the Director of Health Services shall notify the Permanent Secretary of the name of the person

punished, the nature of the charge of which he has been found guilty and the penalty which has been imposed. The Director of Health Services shall simultaneously arrange for the publication of these particulars in the *Gazette*.

**43. Decision may be in camera**

Any decision of the Minister or of the Council or Special Committee hearing a charge in respect of any point arising in connection with, or in the course of, an inquiry may be arrived at in camera.

**44. Secrecy of witnesses' identities**

If the Minister or the Council or Special Committee considers it to be in the interest of the proper performance of its duties, the Minister or the Council or Special Committee, as the case may be, may order that no person shall at any time in any way publish any information which reveals the identity of a particular person (other than the registered person into whose conduct the inquiry is held).

**45. Breach of secrecy**

Any person who infringes or fails to comply with an order made in terms of regulation 44 shall be guilty of an offence and liable on conviction to a fine not exceeding P500.

**46. Minister may appoint legal adviser**

The Minister may appoint a person with adequate experience in the administration of justice to be present at such an inquiry and to advise the Council or Special Committee on matters of law, procedure or evidence.

**47. Minister may postpone suspension**

(1) Where the penalty imposed is suspension for a specified period from practising or performing acts specially pertaining to his profession the Minister may in his discretion postpone the operation of the penalty.

(2) Such postponement shall be to a date fixed by the Chairman concerned and he may in his discretion further postpone the operation of the penalty to a later date fixed by him. Such postponement or further postponement of the operation of the penalty shall be communicated to the person on whom the penalty has been imposed, by a written notice by the Chairman concerned and addressed to the person at his registered address.

**48. Minister may postpone striking out**

Where the penalty imposed is removal of the accused's name from the register, the Minister may in his discretion postpone the operation of the penalty to a date fixed by him. Such postponement or further postponement of the operation of the penalty shall be communicated to the person on whom the penalty has been imposed, by a written notice signed by the Minister and addressed to the person at his registered address.

**49. Form of summons to produce book etc.**

A summons for attendance as witness before the Council or the Special Committee or for the production before it of any book, record, document or thing shall as nearly as practicable be in the form of Schedule B hereto.

**50. Minister's right to hear any matter**

Nothing in these regulations shall be construed as withdrawing from the Minister the right and power to deal with any matter without any reference to the Council or to a Special Committee.

**51. Procedure to apply under Act**

The procedure laid down in these regulations shall apply *mutatis mutandis* to an inquiry held under the Act.

**52. Fees**

(1) The fees payable by practitioners shall be the fees set out in Schedule C.

(2) Any practitioner who fails to pay his annual fees by the 31st of March in any year shall cease to be registered as a practitioner and shall be required to apply for re-registration.

(3) Any person paying his annual fees after the 31st of March of the year for which it was

due shall also be liable to pay a penalty in a sum equivalent to the annual fee.

**SCHEDULE A  
FORM OF SUMMONS FOR ATTENDANCE INTO AN INQUIRY**

TO: .....  
.....  
.....

You are hereby summoned to appear at ..... (Place), upon the ..... day of before the Botswana Health Professions Council when the following charge which has been preferred against you will be considered:

.....  
Should you fail to appear, the Council or the Committee appointed to hear the charge may consider and deal with the charge in your absence in accordance with the regulations.

Should you desire your letter dated ..... (or any further written communication which you wish to make) to constitute your explanation or defence, please notify me to that effect as soon as possible, and not later than ....., but you are hereby warned that any such communication may be used in evidence.

GIVEN under the hand of the .....  
on this ..... day of ..... 20.....

.....  
*Director of Health Services*

**SCHEDULE B  
FORM OF SUMMONS TO APPEAR BEFORE THE BOTSWANA HEALTH PROFESSIONS COUNCIL AS A WITNESS**

TO..... (Name of person summoned and his address)

You are hereby summoned to appear at ..... (place), on ..... (date and time), before the Botswana Health Professions Council established in terms of the Botswana Health Professions Act, to give evidence respecting ..... (If the person summoned is to produce any book, (specify the book, record, document or thing) record, document or thing, add) and you are required to bring with you

.....  
.....  
GIVEN under the hand of the .....  
Council, this ..... day of .....20.....

.....  
*Director of Health Services*

**SCHEDULE C  
FEES**

- 1. Registration fee-
  - (a) Medical Practitioners, P20  
Dentists, Pharmacists  
and members of the  
Associated Medical  
Professions
  - (b) Members of the P10  
Supplementary  
Medical Professions
- 2. Annual practitioners fee-
  - (a) Medical Practitioners, P10  
Dentists, Pharmacists  
and members of the  
Associated Medical

(b) Professions  
Members of the P5  
Supplementary  
Medical Professions

.....  
.....  
*Director of Health Services*