

LAWS OF SOUTH SUDAN

GENERAL MEDICAL COUNCIL PROVISIONAL ORDER, 2014



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LAWS OF SOUTH SUDAN

GENERAL MEDICAL COUNCIL PROVISIONAL ORDER, 2014

In exercise of powers conferred upon me under Article 86(1) of the Transitional Constitution of the Republic of South Sudan, 2011, I hereby issue the following Provisional Order:

CHAPTER I

PRELIMINARY PROVISIONS

1. Title and commencement

This Provisional Order shall be cited as General Medical Council Provisional Order, 2014 and shall come into force on the date of its signature by the president.

2. Repeal and Saving

Any existing legislation governing the subject of this Provisional Order is hereby repealed provided that any order issued or regulation and appointment made under the repealed legislation, except to the extent cancelled by or otherwise inconsistent with provisions of this Provisional Order shall continue in force until repealed or amended.

3. Purpose

The purpose of this Provisional Order is to provide for the establishment of an autonomous professional General Medical Council responsible for registration and regulation of medical, dental and pharmaceutical profession and regulation of health institutions and services.

4. Authority and Application

- (1) This Provisional Order is drafted in accordance with the provisions of Articles 25, 31, 52, Schedule (A) paragraphs (39),(47) , (56) and Schedule (C) paragraph (3) of The Transitional Constitution of the Republic of South Sudan 2011, that grant the National Government the competence to legislate on matters related to medical profession, other regulatory bodies and health policy.
- (2) The provisions of this Provisional Order shall apply throughout South Sudan on matters related to registration of medical, dental and pharmaceutical profession, regulation and governance of health institutions, services and other related matters.

5. Interpretation

In this Provisional Order, unless the context otherwise requires, the following words and expressions shall have the meaning assigned to each of them respectively:

"Assembly"	means the National Legislative Assembly.
"Chairperson"	means Chairperson of the Council appointed inaccordance with this Provisional Order.
"College"	means any college or faculty of medicine.
"Committee"	means any committee constituted by the Council inaccordance with this Provisional Order.
"Competent Minister"	means the National Minister of Cabinet Affairs.
"Constitution"	means the national constitution in force.
"Council"	means General Medical Council (GMC) established under this Provisional Order.
"Designated institution" includes:	
	(a) any public, referral, teaching, state or county hospital and payam clinics;
	(b) any private or mission hospital approved by the Council;
	(c) any university teaching hospital and
	(d) any other hospital or medical institution declared and approved by the Council.
"Employee"	means any person employed by the Council.
"Health institutions"	mean educational, therapeutic, diagnostic and pharmaceutical institutions, whether public, private or voluntary.
"Member"	means any member of the Council appointed under this Provisional Order.
"Minister"	means the Minister responsible for Health
"National Drug Registration"	means printed guide issued by the Council, including scientific names, ingredients, therapeutic

	effectiveness and duration of the drugs , licenced for distribution and treatment of emergency cases.
"Practitioner"	means any physician, dentist and pharmacist registered in the Registry established under this Provisional Order.
"Practicing licence"	means licence issued by the licensing authority to a registered practitioner under this Provisional Order.
"Profession"	means medical, dentistry and pharmaceutical practice under this Provisional Order.
"Registrar"	means Registrar of the Council appointed under this Provisional Order.
"Register"	means formal keeping of records.
"Secretary General"	means Secretary General of the Council appointed under this Provisional Order.

CHAPTER II

ESTABLISHMENT, COMPOSITION, MEMBERSHIP FUNCTIONS, TENURE AND MEETINGS OF THE COUNCIL

6. Establishment of Council

- (1) An autonomous body to be known as General Medical Council is hereby established.
- (2) The Council shall have a corporate body, official seal, logo, perpetual succession and capable of suing and being sued in its own name.
- (3) The Council shall be answerable to the Council of Ministers through the Competent Minister in carrying out its functions.
- (4) The Seat of the Council shall be in the National Capital.
- (5) The Council may establish branches as it deems necessary.

7. Composition of Council

- (1) The Competent Minister shall, in consultation with the Minister and upon prior fifteen day notice to the categories in paragraphs (e),(f) and (g) of subsection(3) of this section, submit names of medical practitioners for appointment by resolution of the Council of Ministers to be members of the Council.
- (2) The Council shall compose of eighteen members, including the Chairperson and the Deputy Chairperson, of relevant experience and competence.
- (3) The following shall be nominated for appointment in accordance with subsection(1) of this section to be members of the Council:
 - (a) three full time registered practitioners who are members of colleges of Medicine in South Sudan;
 - (b) two registered practitioners on the specialists Register;
 - (c) the President of the South Sudan Association of Medical Doctors;
 - (d) member of the Health Specialised Committee in the National Legislative Assembly;
 - (e) five registered practitioners elected by registered medical doctors;
 - (f) two dental practitioners elected by registered dental practitioners and
 - (g) three pharmaceutical practitioners elected by registered pharmacists.
- (4) After notification, the Competent Minister may recommend for appointment names of medical practitioners to the Council if any of the categories in paragraphs (e), (f) and (g) of subsection (3) of this section fails to elect its representatives within fifteen days.
- (5) The Chairperson, Deputy Chairperson and all other members of the Council shall be part-timers entitled to allowances and incurred expenses.

8. Eligibility for membership of Council

Notwithstanding the provisions of section (6) of this Provisional Order, eligibility for membership of the Council shall be as follows:

- (a) South Sudanese;
- (b) sound of mind;
- (c) not convicted for an offence related to moral turpitude or professional misconduct and
- (d) registered practitioner.

9. Resignation from membership of the Council

The Chairperson, Deputy Chairperson or any member of the Council, as the case may be, may submit his or her written resignation to the Council of Ministers through Competent Minister and the resignation shall be considered effective from the date of its acceptance by the Council of Ministers.

10. Loss of membership of Council

- (1) Membership of the Council shall be lost upon occurrence of any of the following:
 - (a) absence from six consecutive meetings of the Council without excuse or permission.
 - (b) loss of any of the eligibility requirements provided in section 8 of this Provisional Order.
 - (c) removal by the Council of Ministers on recommendation of the Council.
 - (d) acceptance of resignation by the Council of Ministers.
- (2) In case any membership in the Council falls vacant for any of the reasons stated in subsection (1) of this section, such vacancy shall be filled within a period of thirty days; provided that the remaining period of the Council is not less than six months, in which case the vacancy shall be filled only after the expiration of tenure of membership of the Council.

11. Tenure of membership of Council

The tenure of membership of the Council shall be four years, commencing from the date of the appointment of each member and may be renewed for another similar tenure.

12. Employees of Council

Employees of the Council shall be public servants in accordance with the applicable civil service law.

13. Meetings of Council

- (1) The Council shall convene its ordinary meeting quarterly on invitation by the Chairperson and may convene an extraordinary meeting at any time on invitation by the Chairperson, Competent Minister or on request by half of its members; provided that sufficient notice of not less than three days has been served on the members.
- (2) The Chairperson shall preside over meetings of the Council and in his or her absence, the Deputy Chairperson or a member elected by the members to preside over such meeting in case of absence of both the Chairperson and the Deputy Chairperson.
- (3) Quorum for convening any meeting of the Council shall be half of the members present.
- (4) Resolutions of the Council shall be passed by simple majority votes of members present and in the event of equal votes, the Chairperson shall exercise the casting vote.
- (5) The Council shall make internal regulations necessary for conduct of its meetings.

CHAPTER III

FUNCTIONS OF COUNCIL

14. Powers and Functions of Council

The Council shall have the following powers and functions:

- (a) formulates its general policy;
- (b) regulates health institutions, medical, dental and pharmaceutical profession and adopt rules for the professional ethics;
- (c) formulates the necessary conditions for registration of practitioners and, in consultation with minister responsible for finance, determine registration fees for practitioners;
- (d) in consultation with minister responsible for higher education and scientific research, contributes to the syllabus of medical, dental and pharmaceutical colleges;
- (e) formulates conditions for registration in the Specialist Register referred to under section 26 (a) of this Provisional Order;
- (f) confirms graduates of colleges of medicine, dentistry or pharmacy to practice after having successfully completed their internship.
- (g) formulates rules for high professional conduct and review such rules from time to time as may be necessary for keeping and developing professional standards of the practitioners;
- (h) ensures that every practitioner before practising the profession take the oath provided in the Schedule annexed to this Provisional Order;
- (i) grants every practitioner, after taking oath and payment of the prescribed fees, practising certificate;
- (j) investigates any complaint presented to it in accordance with the provisions of section 20 of this Provisional Order;
- (k) investigates any report brought to its knowledge about an act committed by any practitioner in violation of the professional ethics and take appropriate action against such practitioner;
- (l) undertakes an appropriate action against any practitioner convicted before a competent court for an offence related to moral turpitude or professional misconduct;

- (m) requests any court to provide it with name of any practitioner convicted before such court;
- (n) issues and maintains registers provided under this Provisional Order and other registers to be determined by the Council in the regulations made under this Provisional Order;
- (o) considers any application submitted to it in accordance with the provisions of section 25 (a) of this Provisional Order and take appropriate decision in accordance with the provisions of this Provisional Order;
- (p) handles any matter within its jurisdiction related to practitioners, health institutions and employees of the Council;
- (s) directs the Registrar to suspend temporary or permanently practising licence of any practitioner convicted by competent court or found to have committed an act contrary to the oath or to the professional ethics;
- (t) directs the Registrar to remove name of any practitioner who is deceased from the register;
- (u) reviews and re-publishes the National Drugs Inventory whenever necessary;
- (v) establishes necessary and supportive organs and formulation of its organizational and job description structures, in accordance with the approved budget;
- (w) submits to the Council of Ministers, through the Competent Minister, the following:
 - (i) proposed annual budget for approval.
 - (ii) periodical reports every three months with respect to its performance without prejudice to the Competent Minister from time to time requesting any information or additional reports.
- (x) forms and empowers state committees and
- (y) inspects health training institutions and facilities to ensure their conformity with the prescribed standards.

CHAPTER IV

APPOINTMENT AND FUNCTIONS OF SECRETARY GENERAL

15. Appointment of Secretary General

- (1) The Secretary General shall be appointed by the Council in accordance with public service law and regulations.
- (2) The Secretary General shall be a person of experience of at least ten years in administration.
- (3) Terms and conditions of service of the Secretary General shall be in accordance with the applicable public service law and regulations.
- (4) The Secretary General shall have the status of an Undersecretary under public service law.

16. Functions of Secretary General.

Secretary General shall:

- (1) Be the chief administrator, the account officer and Chairperson of the Executive Committee of the Council.
- (2) Without prejudice to the generality of sub-section (1) of this section the Secretary shall
 - (a) attend and be the secretary of all meetings of the Council and distribute to all members of the Council invitation by the Chairperson or whoever deputise for the Chairperson to meetings of the Council,
 - (b) appoint appropriate officer employed by the Council to attend and be secretary of meeting of any permanent committee,
 - (c) supervises all financial and administrative matters of the Council.
 - (d) prepare annual report in June each year on performance of the Council for the previous year,.
 - (e) collect all prescribed fees due to the Council and maintain and report all the accounts to the Council,
 - (f) maintain all records of meetings of the Council,
 - (g) supervise performance of staff of the Council,
- (h) prepare records issued by the Council under the provisions of paragraph (f) of this section and
- (i) submit to the Council every six months report related to the performance of the Council for submission to the Council of Ministers.

CHAPTER V
COMMITTEES OF THE COUNCIL

17. Permanent Committees

- (1) Notwithstanding the competence of the Council to establish any other committees, the Council shall establish permanent committees as follows:
 - (a) executive committee
 - (b) practice control committee
 - (c) medical education and examination committee,
 - (d) Ethics committee,
 - (e) investigation and disciplinary committee and
 - (f) validation committee.
- (2) The Council may from time to time establish any ad hoc committee for specific purpose on such terms and conditions as it may deem appropriate.
- (3) Membership of any committee established under this section may include any practitioner who is a member or non- member of the Council or any other person not a practitioner.
- (4) Any committee established under this Provisional Order may invite any person it deems appropriate to attend any of its meetings and participate in its discussion; provided that such person shall not have the right to vote.

18. The Executive Committee

- (1) The Executive committee shall consist of five members of the Council as follows:
 - (a) Secretary General, chairperson.
 - (b) Registrar, secretary.
 - (c) medical doctor, member
 - (d) dentist, member
 - (e) pharmacist, member
- (2) Without prejudice to exercise of the Council of its powers provided under the provisions of section 14 of this Provisional Order, the Executive Committee shall be the implementing organ of the Council policies and programmes; provided that it shall not set aside or vary any decision of the Council and refer any action it takes on matters within its competence to the Council for review and appropriate decision.

19. Practice Control Committee

(1) The Practice Control Committee shall consist of six members as follows:

- (a) practicing specialist medical doctor, chairperson.
- (b) two practicing medical doctors, members.
- (c) dentist practitioner, member
- (d) pharmacist practitioner, member.
- (e) legal advisor of the Council, member.

(2) The Practice Control Committee shall perform the following functions:

- (a) monitors individual practitioners and Health Institutions engaged in the practice of the profession .
- (b) inspects all Health Institutions, clinics and make recommendations to the Council as to the suitability for registration of any Health Institution.
- (c) appoints an investigator with authority to:
 - (i) enter any Health Institution or pharmacy and question any individual employed in such Institution or pharmacy.
 - (ii) inspect, make copies and take extracts from books, records or any documents that may be relevant for any investigation and make report to the Practice Control Committee.
 - (iii) request from any individual report in respect of any matter relevant to its functions and
 - (iv) close any Health Institution for the purpose of facilitating an investigation into matters related to such Institution.

20. Investigation and Disciplinary Committee

(1) The Investigation and Disciplinary Committee shall consist of three members as follows:

- (a) Registrar, Chairperson;
- (b) Legal Advisor, secretary and
- (c) one person registered in the same register in which the person under investigation or disciplinary proceeding is registered, member.

(2) The Investigation and Disciplinary Committee shall perform the following functions:

- (a) considers complaint lodged against a registered practitioner by any patient, relative of a patient, colleague practitioner, member of the public or other healthcare staff.
- (b) investigates alleged cases of negligence or substandard care by any practitioner or Health Institution brought before the Council.
- (c) investigates any case referred to it by the Council related to the profession and submit its findings with recommendations to the Council.
- (d) serves notice on a practitioner subject of investigation stating in such notice allegations made against the practitioner.
- (e) receives and examines complaint submitted against any practitioner, medical or Health Institution registered in any of the registers maintained by the Council.
- (f) recommends, coordinates and refers any complaint submitted to the competent committee for necessary action.
- (g) summons any practitioner whom a complaint has been lodged against him or her to appear before it and
- (h) renders appropriate and necessary advice to the complainant or the aggrieved person when it deems appropriate, with respect to the merits of his or her complaint.

21. Medical Education and Examination Committee

- (1) The Medical Education and Examinations Committee shall consist of four members of the Council.
- (2) The Medical and Examination Committee shall perform the following functions:
 - (a) supervises training of practitioners and other health staff who are registered in any of the registers kept by the Council;
 - (b) advises the Council on any of the following:
 - (i) suitability of training curriculum of Professionals in every Health and Designated institutions;
 - (ii) inspect Professional facility, evaluate its standard and advise the Council on suitability of such facility.

22. Ethics Committee

- (1) The Ethics Committee shall consist of four members as follows:
 - (a) practicing medical doctor on Specialist Register, Chairperson;

- (b) practicing general medical doctor , member;
- (c) dentist practitioner, member and
- (d) pharmacist practitioner, member.

- (2) The Ethics Committee shall be responsible for proposing rules to the Council for adoption as professional ethics to be adhered to by all practitioners in discharge of their professional obligations.

23. Validation Committee

- (1) The Validation Committee shall consist of five members as follows:
 - (a) Secretary General, Chairperson;
 - (b) Registrar, Secretary;
 - (c) practicing specialist medical doctor, member;
 - (d) practicing specialist dentist, member and
 - (e) practicing specialist Pharmacist, member.
- (2) The Validation Committee shall perform the following functions:
 - (a) receives, examines and verifies credentials submitted for registration;
 - (b) coordinates and collaborates with the Colleges and other professional relevant institutions in process of validation of applicant credentials;
 - (c) renders reports of its evaluation of certificates to the Council for appropriate and necessary action and
 - (d) performs any other functions as may be assigned to it by the Council.

CHAPTER VI

APPOINTMENT OF REGISTRAR

24. Appointment of Registrar

- (1) The Council shall appoint its Registrar.
- (2) The status of the Registrar shall be equal to the Director General under public service law.

25. Functions of Registrar

The Registrar shall perform the following functions:

- (a) receives applications submitted by applicants of the Profession for registration or internship.

- (b) registers every medical, dental, pharmaceutical practitioner approved by the Council in the appropriate Register after having paid the prescribed fees.
- (c) removes name of any practitioner from the appropriate Register after the Council has resolved the removal and notifies such practitioner and the competent entities of the removal.
- (d) re-registers in the appropriate Register a practitioner who was deregistered from the Register after the Council has cancelled the deregistration of such practitioner and notify the competent entities of the re-registration.
- (e) recommends to the Council removal of name of a practitioner who has died.
- (f) provides each Practitioner, after collection of the prescribed fees from such practitioner, with the following:
 - (i) copy of the oath taken by the Practitioner;
 - (ii) copy of professional ethics and conduct made by the Council and
 - (iii) National Drugs Inventory.
- (g) records, updates and maintains in the appropriate Register all names of medical, dental and pharmaceutical institutions recognised by the ministry responsible for higher education;
- (h) maintains sufficient copies of this Provisional Order and Regulations made under this Provisional Order for distribution to the medical, dental and pharmaceutical Practitioners;
- (i) lays before the Council in its first meeting any application that has not fulfilled the conditions for registration for the decision of the Council pursuant to the provisions of this Provisional Order and
- (j) publishes name of any practitioner whose name has been removed from the register or suspended from practice.

26. Registers

- (1) The Council shall establish appropriate Registers for registration of the practitioners as follows:
 - (a) Specialist Register for record of practitioners specialized in respective disciplines.
 - (b) Permanent Register for record of general practitioners.

- (c) Provisional Register for limited period licence, especially in case of foreign doctors.
 - (d) Preliminary Register for record of interns.
- (2) Notwithstanding the provisions of sub-section (1) of this section, the Council may establish any other Registers it deems necessary.

27. Effect of Registration

After registration in appropriate Register, the practitioner shall be qualified to practice the Profession for which he or she has been registered as follows:

- (a) Specialist Register qualifies the practitioner to practice the Profession as specialist in his or her respective discipline of specialization.
- (b) Permanent Register qualifies the registered practitioner to practice the profession, including:
 - (i.) issuance of medical certificate;
 - (ii.) prescription of treatment;
 - (iii.) grant of sick leave and
 - (iv.) dispensation of medications.
- (c) Provisional Register qualifies the foreign registered practitioner to practice the profession with Designated Health Institution he or she has contracted and the Council has approved his or her practice of the Profession.
- (d) Preliminary register qualifies the registered practitioner after internship to practice the profession under the supervision and responsibility of a specialist.

28. Mandatory Registration

No person shall practice the profession in public or private health sector nor employ any person to practice the profession, unless he or she is registered in the appropriate Register.

29. Conclusiveness of Register

Any Register established and maintained by the Council shall be conclusive evidence of the names of the practitioner registered or removed from such Register.

30. Custody of Register

Every Health or Designated Institution employing any Professional shall maintain last copy of specific Register of any Professional hired by such Institution in accordance with the provisions of this Provisional Order.

31. Permanent Register to be Printed and Published

The Registrar shall update, print and publish each Register as may be prescribed in the regulations issued in accordance with the provisions of this Provisional Order.

CHAPTER VII

PROCEDURE FOR REGISTRATION AND ISSUANCE OF LICENCE

32. Procedure for Registration

- (1) Any South Sudanese who is a graduate of medical college and desires to be registered by the Council for admission to practice the profession shall submit a written application in the prescribed form provided by the Registrar together with the following documents:
 - (a) in case of graduate of national medical college:
 - (i) copy of certificate of graduation and
 - (ii) certificate of completion of internship.
 - (b) in case of a South Sudanese medical graduate from abroad:
 - (i) certified and attested certificate of graduation from medical college from which he or she graduated and
 - (ii) certificate of completion of internship.
- (2) In case of South Sudanese who graduated from medical college and practiced in a foreign country:
 - (i) certified and attested certificate of registration in the country in which he or she was qualified and practicing before applying for registration in South Sudan;

- (ii) certified and attested evidence of experience or training issued by the country where he or she was practicing before applying for registration in South Sudan and
 - (iii) certified and attested certificate of good standing from the registration authority of the country in which he or she was practicing before applying for registration in South Sudan.
- (3) In case of foreigner applying for provisional registration to practice the profession, the conditions applicable to South Sudanese applicant in subsection (2) of this section shall apply to him or her.
- (4) In case of being satisfied with the documents submitted by the applicant and after payment of the prescribed fees, the Registrar shall submit such documents to the Council for consideration and approval.
- (5) After consideration of an application, the Council may approve the applicant to practice the profession under open or restricted licence and direct the Registrar to enter details and approval of such applicant in the appropriate Register and issue him or her with the class of the approved licence.
- (6) In case the Registrar is not satisfied with one, more or all of the documents submitted by an applicant in accordance with subsections(1),(2) or (3) of this section ,the Registrar may either:
 - (a) advise the applicant to produce the appropriate document or documents or
 - (b) with comments, proceed to submit the application and the documents to the Council as presented by the applicant.
- (7) Notwithstanding satisfaction of the required qualifications for registration by any applicant, the Council may refuse to register such applicant if in the opinion of the Council, the applicant:
 - (a) has not satisfied the conditions under either subsection(1),(2) or (3) of this section,.
 - (b) has physical infirmity or mental incapacity,
 - (c) has been convicted of crime related to dishonesty and moral turpitude,
 - (d) lacks adequate knowledge of English or any other language necessary for practicing the profession within South Sudan or
 - (e) lacks sufficient knowledge and experience in the profession.

- (8) A licence issued shall be valid for a period of two years and be renewed every two subsequent years.

33. Registration of Additional Qualification

Any qualification obtained in addition to the qualification the practitioner was registered shall, on application by such practitioner, be added to his or her record after payment of the prescribed fees.

34. Loss of Licence

- (1) A registered practitioner may lose his or her practicing licence on occurrence of any of the following:
- (a) he or she has requested his or her name to be removed from the register,
 - (b) his or her name has been removed from the register of University or college from which he or she obtained the qualification the basis for registration,
 - (c) he or she has been erroneously registered,
 - (d) he or she has been convicted of an offence related to dishonesty and moral turpitude or
 - (e) upon removal of his or her qualification by the University or College that issued such qualification.
- (2) The Council shall, prior to the order of removal of the name of a practitioner from the register, notify the practitioner whose name is to be removed and grant him or her the opportunity to state the cause or reason for the name not to be removed from the register.

35. Procedures for Renewal of Practicing Licence

Any practitioner who intends to renew his or her practicing licence shall apply to the Council on the prescribed form provided by the Council together with the following:

- (a) his or her expiring practicing licence and
- (b) any other document related to his or her registration.

36. Registration of Health Institutions

- (1) Health Institutions shall be categorised as follows:

- (a) Designated Institutions,
- (b) private hospitals or nursing homes and

- (c) clinics in which a practitioner practices the profession.
- (2) The Registrar after consultation with the Practice Control Committee shall record:
 - (a) particulars of all Health Institutions ,including Designated Institutions;
 - (b) any condition subject to which a Health Institution is registered and
 - (c) cancellation, suspension or renewal of such Health Institution.
- (3) No practitioner shall practice the profession in any Health Institution, unless such Institution is registered and licensed in accordance with the provisions of this Provisional Order.
- (4) No Health Institution shall employ any practitioner, unless such practitioner is registered and licensed to practice the profession in that class of Institution.

37. Application for Registration of Health and Designated Institutions

- (1) Any Health or Designated Institution desires to be registered shall apply on the specified form to the Council for registration after payment of the prescribed fees.
- (2) The Council shall by Regulations specify standards and conditions for registration of Health and Designated Institutions.
- (3) The Council may withhold registration of Health Institution until such Institution satisfies all the standards and conditions for registration set by the Council in the Regulations or refuse to register the Health and Designated Institution which fails to meet the standards and conditions for registration.
- (4) In case the Council withholds or refuses to register any Health or Designated Institution it shall notify in writing the Institution of the reasons for such withholding or refusal.

38. Renewal of Registration of Health and Designated Institutions

Registration of a Health and Designated Institution shall remain valid until:

- (a) material change has occurred in the particulars recorded in the register in relation to such Health Institution and
- (b) upon expiry of the period specified in the licence for such class of Health Institution.

39. Display of Registration Certificate

Registration certificate shall be displayed and maintained as stipulated in the Regulations.

40. Exemptions from Registration

The following categories of professionals shall be exempted from registration:

- (a) Practicing specialist not resident in South Sudan but called upon to attend to a patient.
- (b) practitioner or any person practicing the profession in respect of which a register exists who is not a resident of South Sudan or registered by the Council and is called in by the Council or other approved bodies to conduct examinations in South Sudan;
- (c) Practitioner or person practicing the profession for which a register is kept who is:
 - (i) member of army, navy or police from another country temporarily stationed in South Sudan or
 - (ii) delegate of International Committee of the Red Cross in South Sudan on invitation of the Government.
- (d) any practitioner declared by the national ministry responsible for health in a written notice as a practitioner to carry out public health duties for the period specified in the notice.

41. Registered Practitioner Unfit to Practice

If upon information and investigation by the Council it transpires that a registered practitioner is unfit to practice the profession by reason of loss of mental capacity, physical infirmity, to purchase or sell, prescribe, keep, order or supply drug or is using drug in contravention of any applicable law or is addicted to or dependent on use of drug or substance, the Council shall suspend his or her practicing licence until the Council is satisfied with rehabilitation of such practitioner.

42. Practitioner Suspended Deemed Unregistered

Any practitioner suspended shall be deemed unregistered during the period of such suspension and not to practice the profession until cleared by the investigation or board of discipline.

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT

43. Sources of Funding

Sources of funding of the Council shall be as follows:

- (a) budget allocated by the Government.
- (b) loans, gifts, grants and donations approved by the Council of Ministers from local and international organisations with similar objectives, programmes and activities.

44. Bank Accounts

The Council shall open and maintain appropriate and necessary bank account at the Bank of South Sudan as may be appropriate and necessary for the performance of its duties and functions.

45. Audit

- (1) The Council shall ensure that for each financial year the Auditor General or audit firm approved by the Auditor General shall audit its accounts.
- (2) The Council shall within four months from the end of every financial year or within the period required by the Government in writing submit an audited statement of its accounts, in accordance with the provisions of this Provisional Order.
- (3) The Auditor General shall have access to all financial records, books of accounts, vouchers, information and expenditure related to financial affairs of the Council.

46. Statement of Final Accounts and Audit Report

- (1) The Council shall within a period not exceeding three months after the end of every Financial Year submit to the Competent Minister statement and report related to its accounts.
- (2) The statement and report referred to in sub-section(1) of this section shall include the following:
 - (a) statement of the final accounts;
 - (b) audited accounts;
 - (c) report explaining progress of performance of the Council during previous financial year, in addition to the future plans and programmes of the Council.

- (3) The Competent Minister shall upon the receipt of the statement referred to in subsection (2) of this section submit the same to the Minister within a period of fifteen days.

CHAPTER X

MISCELLANEOUS PROVISIONS

47. Official Correspondence

Official correspondence of the Council shall be by affixation of its seal and signature by the authorized person.

48. Disclosure of Interest

The Chairperson, Deputy Chairperson, Members of the Council, Secretary General and Registrar and any member of the Council shall disclose nature and extent of his or her interest to the Council and the Chairperson, Deputy Chairperson or any presiding member, as the case may be, shall not allow such member with disclosed interest to attend and participate in the decision making process related to the matter in which he or she is interested before the Council.

49. Regulations

- (1) The Competent Minister shall make Regulations for implementation of this Provisional Order
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Council may, among others, make the rules related to:
 - (a) professional ethics;
 - (b) forms of registers and other documents;
 - (c) governing registers and registration;
 - (d) qualifications and training periods, tests and examinations and the required conditions for registration;
 - (e) procedures for consideration of complaints;
 - (f) procedures governing proceedings and organization of progress of performances of the Council;
 - (g) specification of distinctive uniforms, badges or tokens that may be used by registered Practitioners and prohibition of their uses by unregistered person;
 - (h) construction and location of health institutions and provision of medical and health equipment and facilities;
 - (i) staffing and supervision of Health Institutions and qualifications of persons working IN such institutions;

- (j) keeping of records and making of reports by persons who carry on business in medical and health institutions;
- (k) design and distribution of medical prescriptions and other documents and
- (l) imposition and determination of fees.

Schedule (I)

Oath of the Council

The Chairperson, the Deputy Chairperson, Members of the Council, Secretary General, Registrar and Deputy Registrar shall take before assumption of their respective offices the following Oath before the Competent Minister:

"I in my capacity as swear by the Almighty God that I obey and respect the Constitution and abide by the law, that I shall perform the duties and responsibilities assigned to me by this Provisional Order and that I shall faithfully, sincerely and impartially implement the decisions, resolutions and Directives of the Council and improve it and keep its business deliberations and recommendations Confidential and endeavor to perform, develop and promote the objectives and the effort of the Council, So help me God/ God is my witness"

Issued under my hand in Juba this 10th day of April in the year, 2014



Gen. Salva Kiir Mayardit
President of the Republic