



THE REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**  
**ACTS, 1977**

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**NAIROBI, 11th NOVEMBER, 1977**

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**THE MEDICAL PRACTITIONERS AND DENTISTS  
ACT, 1977**

**No. 20 of 1977**

*Date of Assent: 8th November, 1977*

*Date of Commencement: By Notice*

**ARRANGEMENT OF SECTIONS**

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**An Act of Parliament to consolidate and amend the law to make provision for the registration of medical practitioners and dentists and for purposes connected therewith and incidental thereto**

ENACTED by the Parliament of Kenya as follows:—

Short title and commencement.

1. This Act may be cited as the Medical Practitioners and Dentists Act, 1977, and shall come into operation on such day as the Minister may, by notice in the Gazette, appoint.

Interpretation.

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

“Board” means the Medical Practitioners and Dentists Board constituted under section 4 of this Act;

“dental practitioner” and “dentist” means any person registered under this Act as a dentist;

“dentistry” and “dental services” include the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists, and any operation or any treatment, advice or attendance on or to any person preparatory to or for the purpose of or in connection with the fitting, insertion or fixing of artificial teeth;

“medical practitioner” means any person registered under this Act as a medical practitioner;

“private practice” means the practice of medicine or of dentistry, as the case may be, for a fee either in kind or cash;

“private practitioner” means a person registered under this Act as either a medical practitioner or a dentist who is also licensed under section 15 of this Act to practise medicine or dentistry for fees either in cash or in kind;

“register” means the register of medical practitioners and dentists which the Registrar is required by section 5 of this Act to keep;

“Registrar” means the Registrar of Medical Practitioners and Dentists constituted by section 5 of this Act.

3. The words “legally qualified medical practitioner”, “duly qualified medical practitioner” or any words importing a person recognized by law as a medical practitioner or a member of the medical profession, when used in any written law with reference to such person, shall be construed to mean a person registered as a medical practitioner under this Act or, where the context so admits, a person who is licensed by the Board under section 13 of this Act.

Construction of terms in any written law.

4. (1) For the purposes of this Act, there shall be constituted a Board to be known as the Medical Practitioners and Dentists Board, which will consist of the following members, all of whom shall be either medical or dental practitioners of good character and good standing—

The Medical Practitioners and Dentists Board.

- (a) the Chairman, to be appointed by the Minister;
- (b) the Director of Medical Services or the person for the time being acting in that post;
- (c) a Deputy Director of Medical Services, to be nominated by the Minister;
- (d) four medical practitioners to be nominated by the Minister;
- (e) a representative of the Faculty of Medicine of the University of Nairobi who shall be nominated by the Faculty Board; and
- (f) five medical practitioners and two dentists, who shall be elected by the votes respectively of all medical practitioners and of all dentists at the prescribed times and in the prescribed manner:

Provided that notwithstanding the provisions of this subsection, the Minister may, if at any time it appears to him that the Board has failed to carry out any of its functions under this Act in the national interest, revoke or annul the appointment, nomination or election of any member of the Board and may himself nominate a new member in the place of such member for the remainder of the period of office of such member under subsection (3) of this section.

(2) The Board shall elect a Deputy Chairman from amongst its members.

(3) The members referred to in paragraphs (a), (c), (d), (e) and (f) of subsection (1) of this section shall hold office for a period of three years from the date of their appointment, nomination or election, as the case may be, but shall be eligible for re-appointment, re-nomination or re-election.

(4) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Board and, in the absence for any reason of both the Chairman and the Deputy Chairman, the other members of the Board who are present at any meeting shall choose one of the members to act as chairman at that meeting.

(5) Each member of the Board shall have a deliberative vote and the Chairman for the time being at any meeting of the Board shall, in addition to his deliberative vote as a member of the Board, have a casting vote.

(6) If any member of the Board, other than the Chairman, the Director of Medical Services or the Deputy Director of Medical Services nominated under paragraph (c) of subsection (1) of this section, is temporarily incapacitated by illness or is otherwise prevented from performing his duties as a member thereof, the Board may appoint a medical or dental practitioner to act in the place of such member during his incapacity or absence.

(7) When any member, who has been appointed, nominated or elected under paragraph (a), (c), (d), (e) or (f) of subsection (1) of this section, dies or resigns from the Board, or is otherwise permanently unable to attend meetings of the Board, the Minister may, after consulting the Board, appoint a medical or a dental practitioner to act as a member of the Board until such time as a permanent member is appointed, nominated or elected to fill the vacancy.

(8) Seven members of the Board (including the chairman of the meeting) shall constitute a quorum at any meeting of the Board, and all acts, matters or things authorized or required to be done by the Board may be decided at any meeting at which a quorum is present.

(9) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(10) The Board shall meet at least once in every three months.

(11) The Chairman or, in his absence, the Deputy Chairman, shall convene a meeting of the Board on receiving written requests by at least five of its members.

(12) A member of the Board who absents himself from two consecutive meetings without prior permission from the Chairman or, in his absence, from the Deputy Chairman, shall automatically lose his place on the Board and the vacancy so created may be filled temporarily in accordance with subsection (7) of this section.

(13) The Chairman or, in his absence, the Deputy Chairman, may, with prior approval of the Board, appoint suitable persons, who may be persons employed in the public service, to assist in carrying out particular decisions of the Board or particular duties or investigations for the Board.

(14) Subject to the provisions of the Act and to any rule as to procedure made under section 23 of this Act, the Board shall have power to regulate its own procedures.

5. (1) For the purpose of this Act, there shall be a Registrar of Medical Practitioners and Dentists.

Registrar and register.

(2) The Director of Medical Services shall be the Registrar, and shall perform such duties in connection with the register as are prescribed by this Act.

(3) The Registrar shall keep a register of medical practitioners and dentists in the prescribed form.

6. (1) Every person eligible to be registered as a medical practitioner or as a dentist may apply in the prescribed form to the Registrar for registration in the register, and every such application shall be accompanied by the prescribed fee.

Registration of medical practitioners and dentists.

(2) Where any person has complied with the provisions of subsection (1) of this section and has been accepted by the Board as being eligible for registration and has satisfied the Registrar that he has been so accepted, he shall be registered.

7. The Registrar shall issue to every person registered under this Act, a certificate in the prescribed form.

Certificate of registration.

8. (1) The Registrar shall from time to time make any necessary alterations and corrections in the register in relation to any entry therein.

Correction of register.

(2) The Registrar shall remove from the register—

- (a) the name of every deceased person;
- (b) the name of every person convicted of an offence under section 19 of this Act;
- (c) the name of every person whose name the Board has under section 20 of this Act directed should be struck off the register; and
- (d) any entry which has been incorrectly or fraudulently made in the register.

(3) (a) The Registrar, with the consent of the person concerned, may remove from the register the name of a person who has ceased to practise.

(b) The Registrar shall, not later than 1st July in each year, send by registered post to every person registered in the register a notice inquiring whether or not such person has ceased to practise or has changed his address, and, if no answer is returned to the inquiry within six months from the posting thereof, the name of that person may be removed from the register.

(c) Any name removed under this subsection may, at the request of the person concerned and on payment of the prescribed fee, be reinstated by the Registrar.

(4) It shall be the duty of the Registrar-General of Births and Deaths to notify the Registrar of the death of any registered medical practitioner or dentist.

Publication of  
register.

9. (1) The Registrar shall publish in the Gazette as soon as may be practicable after registration the name of every medical practitioner or dentist registered in the register.

(2) The Registrar shall once in every year, as soon as convenient after 1st January, but not later than 31st March, publish in the Gazette, a list containing the names, qualifications and registered addresses of all registered medical and dental practitioners.

(3) It shall be the duty of every medical and dental practitioner to inform the Registrar immediately of any change in his registered address.

Publication  
*prima facie*  
evidence of  
registration.

10. (1) The publication of the list of registered medical and dental practitioners in the Gazette shall be *prima facie* evidence that the persons named therein are registered under

this Act, and the absence of the name of any person from such list shall be *prima facie* evidence that such person is not so registered.

(2) All register books and all copies thereof or extracts therefrom certified under the hand of the Registrar shall be receivable in evidence in all courts.

11. (1) Subject to the provisions of this section, a person shall be eligible for registration under this Act as a medical or dental practitioner if he is the holder of a degree, diploma or other qualification which is recognized by the Board as making him eligible for registration, and—

Persons eligible to be registered as medical or dental practitioners.

(a) after obtaining such degree, diploma or other qualification, he has engaged in training employment in a resident medical capacity in one or more institutions approved by the Board for such period, being not less than one year, as the Board may approve; and

(b) he satisfies the Board that, whilst engaged in training employment under paragraph (a) of this subsection, he has acquired sufficient knowledge of, and experience in, the practice of medicine or dentistry, as the case may be; and

(c) he satisfies the Board that he is a person of good moral character and a fit and proper person to be registered under this Act.

(2) In any case where the Board does not recognize a degree, diploma or other qualification in medicine or dentistry held by any person as making him eligible for registration, it shall take steps to assess his suitability for registration and for the purpose of so doing may require him to attend any interview and to undergo any oral or written examination.

(3) The Board may, after assessing the suitability for registration of a person under subsection (2) of this section, direct that before registration he shall undergo such further period of training or pass such further examination as it may specify.

(4) The Board shall not authorize the registration of any person until it is satisfied that the requirements of subsection (1) of this section have been fulfilled or, in the case of any person referred to in subsection (2) of this section, that the



requirement of paragraphs (a), (b) and (c) of subsection (1) have been fulfilled and that any further period of training or examination directed by it under subsection (3) has been completed or passed.

(5) The Board may, where it considers it expedient so to do, delegate the assessment of suitability for registration under subsection (2) of this section to a committee of the Board which shall, after making such assessment, make recommendations to the Board accordingly.

Person registered may have additional qualifications inserted in register.

12. Every person registered under this Act who has obtained any higher degree or qualification than the qualification in respect of which he has been registered shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, on the payment of the prescribed fee.

Licensing of persons to render medical or dental services.

13. (1) Notwithstanding any of the other provisions of this Act, the Board may, if it is satisfied that it is in the public interest to do so, confer upon any person who is not otherwise eligible to be registered as a medical practitioner or as a dentist under the provisions of this Act, by the issue, under the signature of the Director of Medical Services, of a licence to do so, the right to render medical or dental services.

(2) Every such licence shall be for such period and may contain such conditions as the Director of Medical Services shall, with the consent or on the instruction of the Board, impose.

(3) Any licence issued under this section may be cancelled or revoked and withdrawn at any time by the Director of Medical Services with the consent or on the instructions of the Board.

Effects of registration and licence under section 13.

14. (1) Registration as a medical practitioner or a dentist under this Act, or the granting of a licence under section 13 of this Act, shall only entitle the person so registered or so licensed to practise medicine or dentistry or to render medical or dental services, as the case may be, in a salaried post under a Government or Local Government health scheme or in such salaried posts in such institutions as the Board may from time to time approve.

(2) No medical practitioner or dentist shall act as or engage in private practice as a private practitioner or may be employed by a private practitioner, unless he holds a licence to engage in private practice under the provisions of section 15 of this Act.

15. (1) The Board may authorize the Registrar to issue to a medical practitioner or a dentist who has applied in the prescribed form and whom the Board considers has had suitable working experience in medicine or in dentistry, as the case may be, a licence to engage in private practice on his own behalf as a private practitioner or to be employed, either whole time or part time, by a private practitioner.

Licence for private practice.

(2) The Registrar shall issue, on payment of the prescribed fee, a licence in the prescribed form to persons who are authorized by the Board under subsection (1) of this section.

(3) Such licences shall be granted for a period of one year at a time and shall state whether the person so licensed may practise as a private practitioner on his own behalf or may be employed by a private practitioner.

(4) The Board may refuse to issue or to renew a licence to engage in private practice to any person and may withdraw any such licence it has issued.

(5) No premises may be habitually used for the purposes of private practice unless they are authorized for such use by the Board.

(6) Any person aggrieved by any decision of the Board under this section may appeal to the High Court, and in any such appeal the High Court may annul or vary the decision as it thinks fit.

16. The issue and the cancellation, revocation or withdrawal of any licence under section 13 or section 15 of this Act shall be published in the Gazette.

Licences to be published in Gazette.

17. No person shall be entitled to recover any charge for any medical or surgical advice or attendance, or for the performance of any operation as a medical practitioner or dentist, or for any medicine which he has prescribed and supplied as a medical practitioner or dentist, unless he is at the time appropriately licensed under section 15 of this Act.

No fees recoverable unless person licensed under section 15.

Certificate not valid unless signatory registered, etc.

18. No certificate or other document required by law to be signed by a duly qualified medical or dental practitioner shall be valid unless signed by a person registered as a medical or dental practitioner under this Act or, where the context so admits, by a person who is licensed by the Board under section 13 of this Act.

Penalty for fraudulently procuring registration or licence.

19. Any person who wilfully procures or attempts to procure himself to be registered or licensed under any of the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, and any person aiding or assisting him therein, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment; and if any person convicted of an offence under this section is registered or licensed under this Act the Registrar shall forthwith remove the name of such person from the register or cancel his licence, as the case may be.

Disciplinary proceedings.

Cap. 63.

20. (1) If any medical practitioner or dentist registered or any person licensed under this Act is convicted of any offence under this Act or under the Penal Code, whether the offence was committed before or after the coming into operation of this Act, or is, after inquiry by the Board, found to have been guilty of any infamous or disgraceful conduct in a professional respect, either before or after the coming into operation of this Act, the Board may, subject to subsection (9) of this section, remove the name of such person from the register or cancel any licence granted to such person, as the case may be.

(2) Upon any inquiry held by the Board under subsection (1) of this section the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or by an advocate.

(3) For the purpose of proceedings at any inquiry held by the Board, the Board may administer oaths and may, subject to the provisions of any rules made under section 23 of this Act, enforce the attendance of persons as witnesses and the production of books and documents.

(4) Subject to the foregoing provisions of this section and to any rules as to procedure made under section 23 of

this Act, the Board shall have power to regulate its own procedure in any disciplinary proceedings.

(5) The power to direct the removal of the name of a person from the register or to cancel the licence of any person shall include a power exercisable in like manner to direct that during such period as may be specified in the order the registration of a person's name in the register or the licence granted to him shall not have effect.

(6) Any person aggrieved by any decision of the Board under the provisions of this section may appeal within thirty days to the High Court and in any such appeal the High Court may annul or vary the decision as it thinks fit.

(7) The provisions of this section, in so far as they relate to the cancellation or suspension of licences, shall be in addition to and not in derogation of the provisions of section 13 or 15 of this Act.

(8) Any person who fails when summoned by the Board to attend as a witness or to produce any books or documents which he is required to produce shall be guilty of an offence and liable to a fine of two thousand shillings or to imprisonment for one month.

(9) Notwithstanding the provisions of subsection (8) of section 4, the Board shall not remove the name of any person from the register, or cancel any licence granted to any person, under subsection (1) of this section unless at least ten members of the Board so decide.

21. (1) Where the name of any person has been removed from the register, the name of that person shall not, subject to the provisions of this Act, be again entered in the register except by order of the Board.

*Effect of removal, cancellation or suspension.*

(2) Where an order has been made for the removal of a person's name from the register, or for suspending the effect of a person's registration under this Act, or for cancelling or suspending a licence granted to a person under this Act, the Board may either on its own motion or on the application of the person concerned, and in either case after holding such inquiry as the Board thinks fit, cause the name of that person to be restored to the register or terminate the suspension of the registration, or, as the case may be, grant a new licence or terminate the suspension of the existing licence, in any such case either without fee or on the payment of such fee, not exceeding the appropriate registration or licence fee, as the Board may determine.

(3) Subsection (1) of this section shall not apply when a person's name has been removed from the register at his request or with his consent in circumstances under which it could not have been removed without consent, and the name of such person shall on his application and on the payment of the prescribed fee, if any, be restored to the register.

Penalty for unregistered and unlicensed persons practising.

22. Any person who wilfully and falsely takes or uses any name, title or addition implying a qualification to practise medicine or surgery or dentistry, or, who, not being registered or licensed under this Act, practises or professes to practise or publishes his name as practising medicine or surgery or dentistry or who, not being licensed under section 15 of this Act, practises as a private practitioner, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings, or in default of payment to imprisonment for a term not exceeding twelve months:

Provided that nothing in this section contained shall make it an offence for any person in the service of—

- (i) the Medical Department of the Government; or
- (ii) any hospital, dispensary or similar institution which the Director of Medical Services, by notice in the Gazette, declares to be an approved institution for the purposes of this section,

to render medical assistance in the course of his duties in such service or for a person to carry out treatment under the direction, supervision and control of a medical practitioner or a dentist or of a person licensed under section 13.

Rules.

23. The Minister, after consultation with the Board, may make rules generally for the better carrying out of the provisions of this Act, and any such rules may, without prejudice to the generality of the foregoing power—

- (a) prescribe anything required by this Act to be prescribed;
- (b) provide for the procedure to be followed by the Board in any inquiry under section 20 of this Act;
- (c) provide for enforcing the attendance of witnesses and the production of books and documents at any inquiry held by the Board;
- (d) prescribe any forms to be used in connection with this Act or any fees to be charged under the provisions of this Act.

**24.** A prosecution for an offence under this Act shall not be instituted in any court without the written consent of the Attorney-General.

Attorney-  
General's  
consent.

**25.** The Minister may, with the consent of the Treasury, out of money provided by Parliament—

Finance.

- (a) make to the Board such grants as may be necessary to enable it to discharge its functions under this Act;
- (b) pay remuneration and travelling and other allowances to the members of the Board (other than members who are public officers in receipt of a salary);
- (c) make such other payments as may be necessary to give effect to the provisions of this Act.

**26.** (1) The Medical Practitioners and Dentists Act, hereinafter referred to as the repealed Act, is hereby repealed.

Repeal of  
Cap. 253 and  
savings.

(2) Notwithstanding any of the other provisions of this Act, any person whose name is registered as a medical practitioner or as a dentist, as the case may be, under the provisions of the repealed Act immediately before the date of the coming into operation of this Act, and whose name was not then the subject of an order to be struck off or removed from the register under the repealed Act, shall be entitled to be registered, on the payment of the prescribed fee, as a medical practitioner or as a dentist, as the case may be, under this Act.

(3) Notwithstanding any of the other provisions of this Act, any person who, immediately before the coming into operation of this Act, is both registered as a medical practitioner or as a dentist, as the case may be, and is engaged whole time in private practice and whose name was not then the subject of an order to be struck off or removed from the register under the repealed Act, shall be entitled to a licence to engage in private practice under this Act.

(4) For the avoidance of doubt, it is hereby declared that once a person is registered, or a licence is granted to a person, in consequence of the provisions of subsection (2) or (3) of this section, all the provisions of this Act shall apply to such person as if he had been first registered or licensed under this Act.