



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notices

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### MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 120

2016

#### REGULATIONS RELATING TO REGISTRATION OF MEDICAL STUDENTS, MAINTAINING OF REGISTER OF MEDICAL STUDENTS AND RESTORATION OF NAME TO REGISTER: MEDICAL AND DENTAL ACT, 2004

In terms of section 59 of the Medical and Dental Act, 2004 (Act No. 10 of 2004), and on the recommendation of the Medical and Dental Council of Namibia, I have -

- (a) made the regulations set out in schedule; and
- (b) withdrawn the regulations made under Government Notice No. 237 of 28 September 2000.

**B. HAUFIKU**

**MINISTER OF HEALTH AND SOCIAL SERVICES**

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## PART 1

## DEFINITIONS

**Definitions**

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has that meaning, and -

“application fees” means the application fees determined by the Council and payable by an applicant in respect of an application to the Council for registration as a medical student;

“certified” means certified as a true copy of the original by a commissioner of oaths appointed under section 5 or designated under section 6, of the Justices of Peace and Commissioners of Oath Act, 1963 (Act No. 16 of 1963);

“practical experience or exposure” means the observing or witnessing by a medical student, of a medical practitioner practising his or her profession, to observing, witnessing or being present at medical procedures performed in a hospital, clinic or health facility defined or referred to in the Hospitals and Health Facilities Act, 1994 (Act No 36 of 1994).

“the Act” means the Medical and Dental Act, 2004 (Act No. 10 of 2004).

## PART 2

### REGISTRATION OF MEDICAL STUDENT ENROLLED AT EDUCATIONAL INSTITUTION IN NAMIBIA

#### **Registration of medical student enrolled at educational institution in Namibia**

2. (1) Every person enrolled as a medical student at an educational

institution in Namibia must apply for registration as a medical student under these regulations by submitting to the registrar, in accordance with regulation 3, an application for registration as a medical student.

(2) An application for registration referred to in subregulation (1) must -

- (a) be submitted to the registrar not later than three months after the medical student has enrolled at the educational institution referred in that subregulation; and
- (b) comply with regulation 3.

#### **Application for registration of medical student enrolled at educational institution in Namibia and submitting of particulars**

3. (1) An application for the registration of any person as a medical student enrolled at an educational institution in Namibia must be submitted to the registrar in the form determined and furnished by the Council, and must be accompanied by -

- (a) a certified photocopy of the identity document or of the passport of the applicant;
- (b) documentary proof of the enrolment at an educational institution in Namibia of the applicant and of the course of study in respect of which he or she is so enrolled;
- (c) additional particulars and documents that the Council may require; and
- (d) payment of the application fees determined by the Council.

(2) The Council may require of the applicant to furnish proof, in the manner that the Council determines, of the proficiency of the applicant in the English language.

(3) The Council, after having considered the application for registration as a medical student -

- (a) may grant the application if the Council is satisfied that the applicant -

- (i) meets the requirements for the registration of a medical student;
  - (ii) has complied with these regulations; and
  - (iii) is proficient in the English language;
- (b) must refuse the application if the Council is satisfied that the applicant -
- (i) does not meet the requirements for registration as a medical student; or
  - (ii) has not complied with these regulations.
- (4) The Council must -
- (a) inform the applicant in writing of the decision of the Council under subregulation (3); and
  - (b) issue to the applicant a certificate of registration as a medical student, if the application for registration as a medical student is granted, in the form that the Council determines, and enter the name of the applicant into the register;
  - (c) inform the applicant in writing, if the application for registration as a medical student is refused, as soon as practicable of the grounds for the refusal.
- (5) The registration of a student in accordance with this regulation is valid for a period of 12 months from the date of the issue of the registration certificate under subregulation (4)(b).

#### **Failure to register as medical student**

4. (1) Any person who is enrolled as a medical student with an educational institution in Namibia and who fails to comply with regulation 3 -
- (a) is liable for payment of the unpaid registration fees, the fees payable in respect of late registration and the registration fees as a medical student, in addition to the application fees, determined by the Council; and
  - (b) must not be registered by the Council as a medical intern or as a medical practitioner unless he or she has paid to the Council all the unpaid application fees for registration as a student, including all payments in arrears.
- (2) Despite these regulations, the Council may recover from any student, whether or not that student is registered under these regulations, by means of proceedings in a competent Court, the prescribed registration fees, late registration fees and interest payable under these regulations.

### PART 3

#### REGISTRATION OF MEDICAL STUDENT ENROLLED AT EDUCATIONAL INSTITUTION OUTSIDE NAMIBIA

#### **Registration of medical student enrolled at educational institution outside Namibia for purpose of practical experience or exposure in Namibia**

5. (1) A medical student enrolled at an educational institution outside Namibia who wishes to obtain practical experience or exposure in Namibia must apply for registration as a medical student by submitting to the registrar, in accordance with regulation 6, an application for registration with the Council.

(2) A medical student referred to in subregulation (1) must have successfully completed not less than three years of education, tuition and training relating to a qualification prescribed as a qualification required for registration as a medical practitioner under the Act in order to apply to the Council for registration.

**Application for registration as medical student enrolled at educational institution outside Namibia and submitting of particulars**

6. (1) An application for the registration of any person as a medical student enrolled at an educational institution outside Namibia must be submitted to the registrar in the form determined and furnished by the Council, and must be accompanied by -

- (a) a certified photocopy of the identity document or of the passport of the applicant;
- (b) documentary proof, to the satisfaction of the Council, of the enrolment at an educational institution outside Namibia, of the applicant and of the course of study in respect of which he or she is so enrolled and his or her academic record at that educational institution;
- (c) additional particulars and documents that the Council may require; and
- (d) payment of the application fees determined by the Council.

(5) The Council may require the applicant to furnish proof, in the manner that the Council determines, proficiency of the applicant in the English language.

(6) The Council, after having considered the application for registration as a medical student -

- (a) may grant the application if the Council is satisfied that the applicant -
  - (i) meets the requirements for the registration of a medical student;
  - (ii) has complied with these regulations; and
  - (iii) is proficient in the English language;
- (b) must refuse the application if the Council is satisfied that the applicant -
  - (iv) does not meet the requirements for registration as a medical student; or
  - (iii) has not complied with these regulations.

(7) The Council must -

- (d) inform the applicant in writing of the decision of the Council under subregulation (6); and
- (e) issue to the applicant a certificate of registration as a medical student, if the application for registration as a medical student is granted, in the form that the Council determines, and must enter the name of the applicant into the register;
- (f) inform the applicant in writing, if the application for registration as a medical student is refused, as soon as practicable of the grounds for the refusal.

**Failure to comply with regulations**

7. Any person not registered under these regulations and who obtains, or attempts to obtain, practical experience or exposure in Namibia, or who contravenes or fails to comply with, these regulations, is guilty of an offence and is liable to a fine not exceeding N\$ 4000 or imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.

**PART 4****REGISTERS****Register of students**

8. The register for medical students established and kept in accordance with section 23(2)(c) of the Act, must contain, in addition to the particulars specified by subsection (3) of that section, particulars of -

- (a) the course of study for which the student is enrolled at the educational institution in or outside Namibia, and proof of the annual enrolment of the student at that educational institution; and
- (b) any change in any of the particulars recorded in the register.

**Restoration of name to register**

9. An application in accordance with section 25 of the Act for the restoration of the name of a student to a register, in addition to the documentation referred to in subsection (2) of that section, must be accompanied by -

- (a) the original registration certificate issued to the applicant or a certified photocopy thereof; and
- (b) a certified photocopy of the identity document or passport of the applicant.

**PART 5****GENERAL****Submission of information by educational institution**

10. (1) The educational institution in Namibia must furnish the Council with the names and other particulars of students enrolled at that educational institution for the purpose of obtaining a qualification prescribed for registration as a medical practitioner, not later than three months after commencement of every academic year.

(2) If the Council requests an educational institution in Namibia in writing to furnish the Council with the names and other particulars of students enrolled at that educational institution for the purpose of obtaining a qualification prescribed for registration as a medical practitioner, that educational institution must submit, within the period specified in that notice, the particulars so requested by the Council.

(3) If an educational institution fails to comply with subregulations (1) and (2), the Council, after having heard that educational institution, may withdraw any approval granted to that educational institution by the Council under section 16 of the Act.

**Language of forms and documents**

11. (1) Subject to subregulation (2), any form or document required to be submitted to the Council or to the registrar in terms of these regulations must be in the English language.

(2) Any form or document referred to in subregulation (1) that is not in the English language must be accompanied by a sworn translation into English, acceptable to the Council.

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**MINISTRY OF HEALTH AND SOCIAL SERVICES**

No. 121

2016

**REGULATIONS RELATING TO REGISTRATION OF DENTAL INTERNS:  
MEDICAL AND DENTAL ACT, 2004**

Under section 59 of the Medical and Dental Act, 2004 (Act No. 10 of 2004), read with section 17(5) of that Act, and on the recommendation of the Medical and Dental Council of Namibia, I have made the regulations set out in the Schedule.

**SCHEDULE****PART 1****DEFINITIONS**

1. Definitions

**PART 2****DENTAL INTERNS**

2. Registration for, and completion of, internship training before registration as dentist
3. Agreement of internship training
4. Commencement or termination of internship by intern
5. Reports by approved facility
6. Change of name or address
7. Completion of internship

**PART 3****REGISTER OF INTERNS**

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**PART 4****GENERAL**

11. Language of forms and documents
12. Failure to comply with regulations.

**ANNEXURE**

## PART 1

## DEFINITIONS

**Definitions**

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has that meaning, and -

“approved facility” means -

- (a) any person registered as a dentist and who has been practising as such in Namibia for a period of not less than three years and is still so practising; or
- (b) any state or private hospital defined by the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994),

approved by the Council as a facility qualified and competent to train dental interns in accordance with these regulations;

“certified” means certified as a true copy of the original by a commissioner of oaths appointed under section 5, or designated under section 6, of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

“dental intern” means any person registered as such under these regulations;

“dental internship” means the training prescribed by these regulations and determined by the Council, and applicable to a dental intern; and

“the Act” means the Medical and Dental Act, 2004 (Act No. 10 of 2004).

## PART 2

## DENTAL INTERNS

**Registration and internship training of dental interns before registration as dentist**

2. (1) A person who intends -

- (a) to apply for registration as a dentists; and
- (b) who is the holder of a minimum qualification required for that registration and prescribed as such in terms of section 18(1) of the Act,

after obtaining that qualification and before he or she may be registered as a dentist, must complete, subject to subregulation (8), internship training at an approved facility for a period of 12 months, during which period the intern must successfully complete practical training, to the extent and in the manner that the Council determines, to the satisfaction of the Council, in the main domains and disciplines prescribed by the Annexure.

(2) An application for registration as an intern must be made in the form that the Council determines and the duly completed application form must be submitted to the registrar.

(3) An application referred to in subregulation (2) must be accompanied by -



- (a) documentary proof, to the satisfaction of the Council, that the applicant is the holder of a prescribed minimum qualification referred to in subregulation (1);
- (b) a certificate of good standing, if the applicant had been registered previously in a country other than Namibia as an intern, or is still so registered, issued by the registration authority with which the applicant had been or is still so registered, which certificate must have been issued not more than 120 days before the date of the submission of the application for registration to the registrar in accordance with subregulation (2);
- (c) a certified photocopy of the identity document or the passport of the applicant;
- (d) a certified copy of the agreement of internship training entered into by and between the applicant and an approved facility, which agreement must have been approved by the Council prior to the applicant submitting his or her application for registration to the registrar in terms of subregulation (2);
- (e) additional documents and information that the Council determines; and
- (f) payment of the application fees, determined by the Council, relating to the registration of an intern, or proof of the payment thereof

(4) If the applicant referred to in subregulation (1), at the time of the submitting of the application referred to in subregulation (2), is not registered with the registration authority referred to in paragraph (b) of subregulation (3), he or she must submit to the registrar, together with his or her application for registration, a certificate issued by that registration authority confirming that previous registration and specifying the grounds for the removal of the name of the applicant from the register.

(5) The Council may require the applicant to furnish proof, in the manner that the Council determines, of the proficiency of the applicant in the English language.

- (6) After considering an application for registration as an intern, the Council -
  - (a) may grant the application, if it is satisfied that the applicant -
    - (i) complies with the requirements for registration as an intern; and
    - (ii) has complied with these regulations;
  - (b) must refuse the application, if the Council is satisfied that the applicant -
    - (i) does not comply with the requirements for registration as an intern; or
    - (ii) has not complied with these regulations.
- (7) The Council must -
  - (a) inform the applicant in writing of the decision of the Council under subregulation (6);
  - (b) issue to the applicant a certificate of registration as an intern, if the application for registration as an intern is granted, in the form that the Council determines, and enter the name of the applicant into the register;
  - (c) inform the applicant in writing, if the application for registration as an intern is refused, as soon as practicable of the grounds for the refusal.

(8) Despite subregulation (1), the Council may exempt, on the conditions that it may determine, a person from the requirements of registration and training as an intern in accordance with these regulations, or may reduce the prescribed period of training as an intern by the period that the Council may determine, if that person submits documentary proof to the satisfaction of the Council that he or she, in Namibia or in a country other than Namibia, has -

- (a) completed, in accordance with the laws of Namibia or that other country pertaining to the registration of dentists or dental interns; or
- (b) practised, in accordance with the laws of that country, as a dentist for the period and under the circumstances as may afford him or her,

experience and training substantially equivalent to the applicable internship training prescribed by subregulation (1).

(9) The Council may specify in writing, when approving a facility for the purpose of internship training in accordance with these regulations, that only a specified portion of the training of a dental intern must be undertaken at that approved facility, and that the remainder of the training must be undertaken at another approved facility or approved facilities so specified.

(10) A person who is not the holder of a prescribed minimum qualification contemplated by subregulation (1) and required for registration as a dentist under the Act may not be registered as a dental intern under these regulations.

### **Agreement of internship training**

**3.** (1) An agreement of internship training entered into by and between an approved facility and an intern, must -

- (a) be in the form and contain the particulars that the Council determines;
- (b) provide for practical training in the main domains and disciplines specified by the Annexure that, in the opinion of the Council, is adequate and satisfactory for the purposes of the internship; and
- (c) be approved by the Council.

(2) If at any time during the period of internship of an intern prescribed by these regulations, the Council considers any training approved for that purpose to be inadequate or unsatisfactory for any reason, the Council may withdraw the approval by means of a written notice to both the approved facility and the dental intern, after having afforded them the opportunity to be heard.

(3) Unless the Council otherwise determines, on good cause shown, any period of internship completed by an intern under an agreement of internship in respect of which the Council withdraws its approval in accordance with subregulation (2), or that is cancelled or terminated before the completion of the internship, for the purposes of regulation 2, is null and void.

(4) The internship training prescribed by regulation 2(1) must be completed within a period of two years after the date of the first registration of the intern.

(5) If an intern fails to comply with subregulation (4), his or her registration as an intern must be regarded as cancelled, subject to subregulation (6), as from the date upon which the period of two years prescribed by that subregulation (4) is exceeded.

(6) The Council may extend, at its discretion, at any time and on good cause shown, the two year period prescribed by subregulation (4).

(7) Before a person may commence with his or her dental internship at an approved facility, he or she must -

- (a) enter, in accordance with subregulation (1), into a written agreement of internship with that approved facility; and
- (b) register with the Council as an intern in accordance with these regulations.

(8) A dental intern is subject, during his or her term of internship, to all the professional conduct regulations and rules applicable to a dentist.

(9) The Council must furnish an intern, before the commencement of his or her internship, with a copy of the professional conduct regulations and rules referred to in subregulation (8).

#### **Commencement or termination of internship by intern**

4. An intern must notify the Council in writing -

- (a) as soon as he or she commences internship, of that commencement and furnish the Council with the name and business address, including the telephone number and other particulars that the Council may require, of the approved facility where he or she has commenced internship, as well as the residential and postal addresses of the intern;
- (b) if he or she terminates his or her internship with the approved facility referred to in paragraph (a), within 30 days after that termination;
- (c) if he or she intends to terminate his or her internship with the approved facility referred to in paragraph (a) and to commence internship with any other approved facility, of the intended termination of internship not less than 30 days before the date of the intended termination and apply to the Council, in the form that the Council determines, for approval of the new agreement of internship entered into between himself or herself and the other approved facility.

#### **Reports by approved facility**

5. (1) Every approved facility with whom or which a dental intern has entered into an agreement of internship contemplated by regulation 2(1), must during that internship and subject to subregulation (2), submit to the Council a written progress report on that internship and that intern not less than every six months in the form and containing the particulars that the Council determines.

(2) Despite subregulation (1) -

- (a) the Council, at any time and in writing, may require an approved facility to submit to the Council, within the period determined by the Council and specified by that request, a written progress report on the internship contemplated by that subregulation;
- (b) an approved facility must report to the Council in writing and as soon as practicable and submit to the Council a report on any failure by, an intern to comply with a standard of dental or patient care acceptable to, or required by, the Council, or to comply with these regulations or the relevant agreement of internship.

(3) If any report contemplated by this regulation contains any allegation that the intern is failing to comply with a standard of dental or patient care acceptable to, or required by, the Council, or to comply with these regulations or the relevant agreement of internship, or if the Council becomes aware of any other allegation that reflects, in the opinion of the registrar, negatively on the intern or on any aspect of the internship, the Council may investigate any of those allegations in the manner that the Council determines, subject to regulation 9.

#### **Change of name or address**

6. If the name or surname, or residential or postal address, of an intern is changed for any reason, he or she must -

- (a) give written notice to the Council of the change of name or surname or residential or postal address, within a period of 30 days after such occurrence; and
- (b) provide the Council, in writing, with the other particulars relating to the change of name or surname that the Council may require.

#### **Completion of internship**

7. (1) On the completion of the internship training prescribed by these regulations, the intern must submit to the Council proof of that completion, by means of a certificate, to the satisfaction of the Council, issued by the approved facility or approved facilities where he or she completed the internship.

(2) The Council must not register a person as a dentist unless that person has submitted to the Council the certificate prescribed by subregulation (1).

### **PART 3**

#### **REGISTER OF INTERNS**

#### **Register of interns**

8. The register of dental interns established and kept in accordance with section 23(2)(c) of the Act must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the approved facility where the dental intern is completing his or her internship, the date on which the internship commenced and the date on which it is to be completed, including any change in any of the particulars recorded in the register.

#### **Removal of name from register by Council**

9. (1) If the Council, under regulation 5(3), conducts an investigation into an internship, it must afford the intern and the approved facility involved the opportunity to be heard on the matter.

(2) If after an investigation contemplated by subregulation (1), the Council is satisfied that the intern has failed to comply with a standard of dental or patient care acceptable to, or required by, the Council, or to comply with these regulations or the applicable internship agreement, the Council may cancel, subject to subregulation (3), the registration of the internship and remove the name of the intern from the register.

(3) The Council must inform the intern in writing, not less than 30 days before the intended cancellation of the registration of that intern and the removal of his or her name from the register, and in addition must inform the intern that he or she may submit, before the date specified

by that notice, written representations to the Council relating to the intended cancellation of his or her registration as an intern and the removal of his or her name from the register.

(4) If the Council cancels the registration of any person as an intern and removes his or her name as from the register, it must inform that intern and the approved facility in writing of that cancellation and removal, which written notice must be delivered to that intern and approved facility in person.

#### **Restoration of name to register**

**10.** (1) Any dental intern whose name has been removed from a register in accordance with section 24 of the Act or regulation 9, and who wishes to have his or her name restored to that register in accordance with section 25 of the Act, must apply to the Council for the restoration in accordance with section 25(1).

(2) An application referred to in subregulation (1) must comply with the provisions of section 25(2) of the Act and with subregulation (3) of this regulation.

(3) The following documents must accompany an application referred to in subregulation (1):

- (a) the original registration certificate issued under section 20(4)(b) of the Act, or if for any reason the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant was so registered; and
- (b) a declaration by two dentists confirming the identity and good character of the applicant, in such form as the Council determines.

### PART 5

#### GENERAL

#### **Language of forms and documents**

**11.** (1) Any form or document required to be submitted to the Council or to the registrar in terms of these regulations must be, subject to subregulation (2), in the English language.

(2) Any form or document referred to in subregulation (1) which is not in the English language must be accompanied by a sworn translation into English, acceptable to the Council.

#### **Failure to comply with regulations**

- 12.** A person who fails to comply with any of these regulations, commits -
- (a) an offence and is liable to a fine not exceeding N\$4000 or imprisonment for a period not exceeding 12 months, or both to such fine and such imprisonment; and
  - (b) unprofessional conduct, if that person is a registered person.

## ANNEXURE

## CRITERIA PERTAINING TO THE DENTAL INTERNSHIP TRAINING PROGRAMME

(Regulation 2(1))

A dental intern must complete practical training during his or her 12 month period of internship as the Council must direct in writing before the commencement of, or at any time during, the internship -

- (a) for a period of three months in each of the main domains or disciplines of clinical dentistry, of -
    - (i) oral and maxillofacial surgery;
    - (ii) prosthodontics;
    - (iii) restorative dentistry and periodontics; and
    - (iv) community dentistry; and
  - (b) the necessary practice management, ethics and jurisprudence relating to dentistry that the Council may direct in writing
-