

Seychelles

Medical Appeals Board Act, 1976

Act 28 of 1976

Legislation as at 30 June 2012

FRBR URI: /akn/sc/act/1976/28/eng@2012-06-30

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PDF created on 21 February 2024 at 19:54.

Collection last checked for updates: 30 June 2014.

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Medical Appeals Board Act, 1976
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Seychelles

Medical Appeals Board Act, 1976

Act 28 of 1976

Not commenced

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 28 of 1976; Dec. 28 of 1977]

1. Short title and commencement

This Act may be cited as the Medical Appeals Board Act, 1976 and shall come into operation on such day as the Minister may, by order in the *Gazette*, appoint.*

2. Interpretation

In this Act unless the context otherwise requires—

"**Board**" means the Medical Appeals Board established under [section 3](#);

"**Government dentist**" means a duly registered dentist who is in the service of Government or who is carrying out a medical examination for or on behalf of the Government;

"**Government medical officer**" means a duly registered medical practitioner who is in the service of the Government or who is carrying out a medical examination for or on behalf of the Government;

"**medical examination**", "medically", "medical decision or opinion" and "medical fitness" include "dental examination", "dentally" "dental decision or opinion" and "dental fitness";

"**Minister**" means the Minister for the time being responsible for medical matters;

"**prescribed**" means prescribed by regulations made under this Act.

3. Establishment of Medical Appeals Board

(1) For the purposes of this Act there shall be established a board, to be known as the Medical Appeals Board, which shall perform the functions conferred upon the Board by this Act and by any regulations made thereunder.

(2) The members of the Board shall, subject to the provisions of the First Schedule, be appointed by the Minister by notice in the *Gazette* from among Medical and Dental practitioners registered in Seychelles;

Provided that one member of the Board shall be a registered Medical or Dental practitioner not in the service of the Government:

And provided that any Government Medical Officer or Government Dentist whose medical decision is the subject of an appeal to the Board shall not be entitled to be the Chairman or a member of the Board for the hearing of that appeal.

(3) Subject to the provisions of this section the provisions of the First Schedule to this Act shall have effect with respect to the constitution of the Board and otherwise in relation thereto.

Note: This Act has never been brought into operation.

4. Right of appeal to the Board

Every person who has been examined medically by, or in relation to whom a medical decision or opinion has been given by, a Government medical officer or a Government dentist in any of the cases set out in the Second Schedule to this Act and who is not satisfied with such examination, decision or opinion shall be entitled to appeal to the Board within twenty-one days of such examination or of the pronouncement of such decision or opinion whichever is the later.

5. Appeal procedure

Every person who wishes to appeal to the Board under the provisions of [section 4](#) shall, within the time appointed in [section 4](#), file an appeal in writing with the Principal Secretary in the Ministry of Health in the manner prescribed.

6. Board to hear appeals

- (1) The Board shall hear all appeals properly before it as soon as conveniently possible and shall give a written decision which shall be communicated to the appellant and which shall be final and conclusive.
- (2) The decision of the majority of the members of the Board shall be the decision of the Board.

7. Regulations

- (1) The Minister may make regulations for the better carrying into effect of the principles and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations—
 - (a) prescribing anything required or permitted to be prescribed under this Act;
 - (b) prescribing the manner in which and the form in which an appeal may be made under this Act;
 - (c) regulating the procedure to be followed in the course of any appeal to the Board under [section 4](#), and making provision relating to the attendance of witnesses, the production of documentary evidence, the administration of oaths to witnesses, the appearance of legal or other representatives and the making of orders with respect to the costs and expenses of any such appeal;
 - (d) amending, adding to or deleting from the Schedules to this Act;
 - (e) prescribing fees, not exceeding Rs.500, to be paid in respect of appeals.
- (2) Any regulations made under this Act may make different provisions with respect to different cases or classes of case and for different purposes, may impose conditions and make exceptions, may confer functions upon prescribed persons and may contain such incidental or supplemental provisions as may appear to the Minister to be expedient for the purposes of this Act and regulations.
- (3) Any regulations made under this Act may provide that any person contravening or failing to comply with any provision of the regulations shall be guilty of an offence and liable on conviction to a fine not exceeding Rs.2,000 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

First Schedule (Section 3(3))

The Medical Appeals Board

1. The Board shall consist of not less than three persons appointed by the Minister one of whom shall be the Chief Medical Officer.
2. Where a person is appointed by name and not by office the period for which he shall hold office as a member shall, unless he resigns or his appointment is terminated, be such as shall be determined by the Minister at the time of the member's appointment.
3. The Chief Medical Officer shall be appointed by the Minister to be chairman of the Board.
4. In the case of death, absence from Seychelles, resignation, termination of appointment or incapacity to act as Chairman or member of the Board, or whenever a vacancy arises from any other cause, the Minister may make an appointment to fill the vacancy either permanently or temporarily:

Provided that when the chairman is absent from any meeting or a vacancy arises in the chairmanship, and no new appointment has been made, the members of the Board may choose one of their number to preside at that meeting.
5. The President may appoint a secretary to the Board and such other officers as he thinks fit.
6. The proceedings of the Board shall not be invalidated by reason of any defect in the appointment of a member.
7. The Board shall meet when convened by the chairman.
8. Subject to the provisions of any regulations made under this Act, the Board may regulate its own procedure.

Second Schedule (Section 4)

Cases in which an appeal lies to the Board

1. Where a person is examined by a Government medical officer or a Government dentist in relation to his medical fitness for employment by Government.
2. Where a public servant has been examined by a Medical Board in relation to his medical fitness to remain in the public service.
3. Where a domestic servant has been examined by a Government medical officer or a Government dentist in relation to his or her medical fitness to proceed overseas to take up employment.
4. Where a student is examined by a Government medical officer or a Government dentist in relation to his medical fitness to take up a scholarship or bursary.
5. Where a person wishing to reside or remain in Seychelles is required to undergo a medical examination by a Government medical officer or a Government dentist in relation to his medical condition.
6. Where a person employed or seeking employment as a labourer on an Outlying Island is medically examined by a Government medical officer or a Government dentist in relation to his fitness for such employment.
7. Where a person is medically examined under this provisions of the Social Security Act.
8. Where a person is medically examined by order of a Court.
9. Where a person is medically examined by a Government medical officer in relation to his fitness for employment or certification as a coxswain.

10. Where a person is medically examined by a Government medical officer or a Government dentist in relation to his fitness for employment or recruitment as a Merchant Navy Cadet.
11. Where a person is medically examined by a Government medical officer or a Government dentist in relation to his fitness for employment in the Royal Fleet Auxiliary.
12. Where a person is medically examined by a Government medical officer in relation to his fitness to be issued with or to hold a Driving Licence.