

**BILLS  
SUPPLEMENT No. 2**

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**BILLS SUPPLEMENT**

to the Uganda Gazette No. 7, Volume CVIII dated 15th February, 2015.

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CALL NO.....

**Bill No. 2 Indigenous and Complementary Medicine Bill 2015**

**THE INDIGENOUS AND COMPLEMENTARY MEDICINE  
BILL, 2015.**

**MEMORANDUM**

The objects of this Bill are—

- (a) to define indigenous and complementary medicine practice in relation to modern medicine;
- (b) to establish the National Council of Indigenous and Complementary Medicine Practitioners;
- (c) to prescribe the object and functions of the Council, including the control and regulation of the practice of indigenous and complementary medicine;
- (d) to provide for registration of practitioners and practices of indigenous and complementary medicine;
- (e) to provide for the minimum standards to be maintained in the practice of indigenous and complementary medicine;
- (f) to provide for financial provisions, including the provision of funds for the Council, and the accounts and audit of the accounts of the Council;
- (g) to provide for the submission of an annual report of the activities of the Council;
- (h) to provide for offences against the Act and the making of regulations under the Act and for the amendment of Schedules by the Minister by statutory instrument.

**RUHAKANA RUGUNDA (DR.)**

*Minister of Health.*

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★ 13 MAR 2015 ★

ACC NO.....

CALL NO.....

**ARRANGEMENT OF CLAUSES**

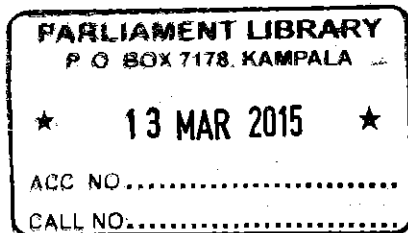
**PART I—PRELIMINARY**

*Clause*

1. Commencement
2. Objectives of Act
3. Interpretation

**PART II—ESTABLISHMENT, OBJECT AND FUNCTIONS  
OF THE NATIONAL COUNCIL OF INDIGENOUS AND  
COMPLEMENTARY MEDICINE PRACTITIONERS.**

4. The Council
5. Composition of Council
6. Object and functions of the Council
7. Tenure of office of members
8. Termination of office
9. Meetings of the Council
10. Committees of the Council
11. Disciplinary Committee of the Council
12. Ethics and intellectual property rights Committee
13. Allowances of members of the Council.



**PART III—SECRETARIAT AND STAFF OF COUNCIL.**

14. Secretariat
15. Management of indigenous and complementary medicine at local government level.
16. The Registrar
17. Functions of the Registrar
18. Other staff of Council

**PART IV—REGISTRATION OF PRACTITIONERS**

19. Registration of practitioners
20. Qualification for registration
21. Temporary registration of non- citizens
22. Duration and renewal of certificate of registration.

*Clause*

23. Titles of practitioners
24. Suspension of registration
25. Cancellation of registration
26. Representation to the Council

PART V—LICENSING OF PRACTICES

27. Licensing of practices.
28. Application and conditions of licence.
29. Issue and renewal of licence.
30. Display of licence.
31. Application by non-citizen.
32. Revocation, suspension or refusal to renew licence.
33. Notice of revocation, suspension or refusal to licence.
34. Effect of suspension or revocation of licence.
35. Representation of the Council.
36. Power of entry and inspection.
37. Obstruction of inspector.
38. Notification of local government councilor.

PART VI—FINANCIAL PROVISIONS.

39. Funds for the Council.
40. Power to open and operate bank accounts.
41. Borrowing powers.
42. Estimates.
43. Financial year of the Council.
44. Accounts.
45. Audit.
46. Compliance with Public Finance and Accountability Act, 2003.

PART VII—GENERAL

***Minimum standards to be maintained in the practice  
of indigenous and complementary medicine.***

47. Application of Part VII.
48. Code of Conduct.
49. Ethical principles.

Clause

***Relationship between indigenous and complementary medicine practice and modern medical practice.***

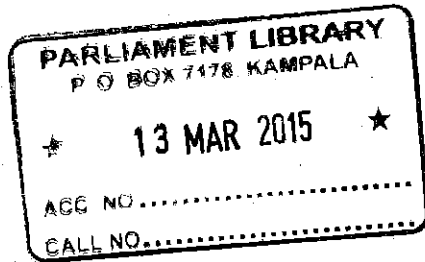
- 50. Non concurrent practice of both.
- 51. Non use of modern medical titles.
- 52. Regulations for Part VII.
- 53. Form of seal.

PART—VIII MISCELLANEOUS

- 54. Form of seal.
- 55. Protection from liability.
- 56. Annual report.
- 57. Ministerial responsibility and directives.
- 58. Patent rights in relation to indigenous and complementary medicine.
- 59. Register of indigenous and complementary medicine practitioners.
- 60. Offences.
- 61. Regulations.
- 62. Power to amend Schedules.

**SCHEDULES**

- First Schedule - Currency Point
- Second Schedule - Meetings of the Council



A BILL FOR AN ACT

ENTITLED

**THE INDIGENOUS AND COMPLEMENTARY MEDICINE  
ACT 2015**

**An Act to define Indigenous and complementary medicine in relation to modern medicine, to establish a Council to control and regulate the practice of Indigenous and complementary medicine, to register and license practitioners and to provide for related matters.**

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY.**

**1. Commencement.**

This Act shall come into force on a date that the Minister may by statutory instrument appoint; but the Minister may appoint different dates for different provisions of this Act.

**2. Objectives of Act.**

The Objectives of this Act are—

- (a) to define and standardize the concept of indigenous and complementary medicine practice;

- (b) to provide for registration and categorization of indigenous and complementary medicine practitioners;
- (c) to define the acceptable standard of indigenous and complementary medicine practice as well as unacceptable malpractices;
- (d) to institute appropriate rewards for good practice and sanctions against malpractices in indigenous and complementary medical practice;
- (e) to protect and promote the profession of indigenous and complementary medicine practice such as indigenous knowledge in health, among its members;
- (f) to promote the sustainable production of agro-business medicinal plants such as *Artemisia* for the treatment of malaria;
- (g) to promote the use of authentic and quality indigenous and complementary medical products;
- (h) to promote the rational use of indigenous and complementary medicine through the provision of scientific evidence;
- (i) to promote collaborative efforts between indigenous and modern medicine sectors;
- (j) to provide for quality assurance in the delivery of indigenous and complementary medical services;
- (k) to create a Council responsible for the regulation of indigenous and complementary medicine practitioners and define their roles;
- (l) to ensure professional discipline and good conduct among indigenous and complementary medicine practitioners.

**3. Interpretation.**

In this Act, except where the context otherwise requires—

“association” means an association or body of associations of indigenous and complementary traditional medicine practitioners recognized by the Minister ;

“bio-diversity” means living things of varied nature;

“Council” means the National Council of Indigenous and Complementary Medicine Practitioners established under section 4;

“currency point” has the meaning assigned to it in the First Schedule to this Act;

“ex-officio member” means a person who is a member by virtue of his or her holding a particular office;

“herbal medicine” means any finished labeled medicinal product that contains as active ingredients aerial or underground parts of plants or other plant material or a combination of them, whether in the crude state or as a plant preparation and for the purpose of this definition—

(a) herbal medicines may contain excipients in plant material in addition to the active ingredients and in exceptional cases may also contain natural organic active ingredients, which are not of plant origin; and

(b) plant material includes extracts, gums, fatty oils and any other substance of that nature;

“Minister” means the Minister responsible for health;

“Ministry” means the Ministry responsible for health;

“practice” means indigenous and complementary medicine practice;

“practitioner” means a person licensed under this Act to practice indigenous and complementary medicine.



**PART II—ESTABLISHMENT, OBJECT AND FUNCTIONS OF THE  
NATIONAL COUNCIL OF INDIGENOUS AND  
COMPLEMENTARY MEDICINE PRACTITIONERS**

**4. The Council.**

(1) There is established a Council to be known as the National Council of Indigenous and Complementary Medicine Practitioners.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The Council shall in its own name be capable of—

- (a) entering into any contract, acquiring, holding and disposing of its property movable and immovable, necessary for the attainment of its objectives and the performance of its functions under this Act;
- (b) suing and being sued; and
- (c) doing and suffering all acts and things as a body corporate may lawfully do and suffer.

**5. Composition of Council.**

(1) The Council shall consist of the following members—

- (a) two representatives of Traditional Healers' Associations
- (b) the Commissioner for Health Services (Clinical Services) in the Ministry;
- (c) two representatives of indigenous and complementary medical practitioners such as aromatherapists, homoeopaths, naturopaths, reflexologists and ayurvedists;
- (d) the Director of Research, Natural Chemotherapeutical Research Institute (in the ministry);

- (e) a Senior Medical Practitioner;
- (f) an anthropologist or sociologist;
- (g) a representative of the Ministry of internal affairs ;
- (h) a representative of the Ministry responsible for culture; and
- (i) a representative of consumers or the public.

(2) All members of Council shall be appointed by the Minister.

(3) The Minister shall appoint one of the members of the Council to be chairperson of the Council

**6. Object and functions of the council.**

(1) The object of the Council is to promote, control and regulate the practitioners of indigenous and complementary medicine in Uganda.

(2) For the purposes of achieving or attaining its object under subsection (1) the Council shall have the following functions—

- (a) to register, license and monitor the activities of indigenous and complementary medical practitioners;
- (b) oversee the enforcement of this Act ;
- (c) to institute disciplinary action against indigenous and complementary medical practitioners for professional misconduct and unethical behavior;
- (d) to serve as a link between the modern medical practice fraternity and Indigenous and complementary medical practitioners;
- (e) to protect and promote the legitimate and professional interests of indigenous and complementary medical practitioners;

- (f) to support the growth and development of indigenous and complementary medical practitioners;
- (g) to promote continuous training and skills development for indigenous and complementary medical practitioners;
- (h) to receive and deal with complaints against wrongful actions and or omissions committed by the indigenous and complementary medical practitioners;
- (i) to maintain records relating to indigenous and complementary medicine including research on traditional medicine;
- (j) to do anything incidental or conducive to the attainment of its object and functions under this section.

**7. Tenure of office of members.**

A member of the Council other than an ex-officio member shall hold office for three years and shall on the expiration of that period be eligible for re-appointment; but a person shall not hold office for more than two terms in succession.

**8. Termination of office.**

(1) Where a member of the Council other than an ex-officio member resigns, dies, is removed from office or is for any reason unable to act as a member of the Council the nominating authority shall nominate another person to hold office for the unexpired term of the member's term of office.

(2) A member of the Council other than an ex-officio member may at any time resign his or her office in writing addressed to the Minister.

(3) A member of the Council other than an ex-officio member who is absent from three or more consecutive meetings of the Council without sufficient cause shall cease to be a member of the Council.

(4) The Minister may in the public interest remove any member of the Council from office.

**9. Meetings of the Council.**

The provisions of the Second Schedule to this Act shall have effect with regard to the meetings of the Council.

**10. Committees of the Council.**

(1) The Council may appoint Committees composed of members of the Council or non members or both, to exercise any of its functions under this Act.

(2) Each committee of the Council shall be chaired by a member of the Council.

(3) the Council shall determine the functions and procedures of its committees.

**11. Disciplinary Committee of the Council.**

The Council shall appoint a disciplinary committee to deal with matters of professional misconduct, unethical behaviour and malpractices among practitioners.

**12. Ethics and intellectual property rights Committee.**

The Council shall also appoint a committee to ensure protection of practitioners' intellectual property rights for the innovations and inventions that they make.

**13. Allowances of members of the Council.**

There shall be paid to the members of the Council, members of a committee of the Council and persons co-opted to attend meetings of the Council such allowances as may be approved by the Minister in consultation with the Ministers responsible for finance and public service.

PART III—SECRETARIAT AND STAFF OF COUNCIL.

**14. Secretariat.**

(1) The Ministry of Health shall be the Secretariat of the Council.

(2) For the purposes of subsection (1), a unit shall be formed by the Permanent Secretary of the Ministry in consultation with the Ministry responsible for public service to serve the Council.

(3) The unit shall comprise such public officers as shall be determined by the Minister in consultation with the Ministry responsible for public service.

**15. Management of indigenous and complementary medicine at the local government level.**

(1) The Council shall be represented in District Local Government health management structures.

(2) Units or desks responsible for indigenous medical practice shall be set up in District Health Departments.

(3) Indigenous and complementary medical practitioners shall be represented on District Health Committees.

**16. The Registrar.**

(1) There shall be appointed by the Minister in accordance with the advice of the Council given in consultation with the Ministry responsible for public service, a Registrar of the Council.

(2) The Registrar shall hold office on such terms and conditions as shall be specified in his or her letter of appointment.

(3) The Registrar shall be a practitioner with administrative and managerial experience.

**17. Functions of the Registrar.**

(1) Subject to the directions of the Council, the Registrar shall be responsible for the day-to-day administration of the Council and shall be answerable to the Council in the performance of his or her functions under this Act.

(2) The Registrar shall keep up to date records of registered practitioners and licensed practices under this Act.

(3) The Registrar shall as approved by the Council, issue and renew the registration certificates of practitioners and the licenses of practices.

(4) The Registrar shall perform such other functions as the Council may determine.

(5) The Registrar may delegate any of his or her functions to an officer of the Council but he or she shall not be relieved from ultimate responsibility for the discharge of any delegated function.

**18. Other staff of Council.**

(1) The Council shall have such other officers and staff as may be necessary for the proper and effective performance of its functions.

(2) The Minister shall in accordance with the advice of the Council and in consultation with the Ministry responsible for the public service and on such terms and conditions as he may determine appoint other staff of the Council.

(3) The Council may engage the services of such consultants and advisers as it may determine upon the recommendation of the Registrar.

(4) Other public officers may be transferred or seconded to the Council or may otherwise give assistance to it.

PART IV—REGISTRATION OF PRACTITIONERS.

**19. Registration of practitioners.**

(1) A person shall not operate or own premises as a practitioner or produce herbal medicine for sale unless that person is registered in accordance with this Act.

(2) A person seeking registration shall apply to the Registrar in such manner, as the Council shall determine.

**20. Qualification for registration.**

(1) Where the Council is satisfied that—

- (a) an applicant has adequate proficiency in the practice of indigenous medicine; and
- (b) the application has been endorsed by a District Council Officer and any one of the following—
  - (i) the district chairperson of the association or a person nominated by him or her;
  - (ii) a person authorized by the village local council of the community; or
  - (iii) the district health officer, the Council shall direct the Registrar to enter the applicant's name in the register of practitioners and issue the applicant with a certificate of registration on the payment of the prescribed fee.

(2) Registration under this Act shall be in addition to registration required under any other law for the time being in force in respect of the practice

(3) A person issued with a certificate under subsection (1) shall be known as practitioner for the purposes of this Act.

**21. Temporary registration of non- citizens.**

A person who is not a citizen of Uganda may be temporarily registered as a practitioner where he or she—

- (a) is the holder of a work permit or is otherwise entitled to engage in gainful employment in Uganda;
- (b) has satisfied the requirements of subsections (1) and (2) of section 20;
- (c) has a good working knowledge of English or an indigenous Uganda language; and
- (d) has proof of qualification and registration to practice in his or her country of origin or where he or she was trained.

**22. Duration and renewal of certificate of registration.**

(1) The certificate of registration shall expire after twelve calendar months from the date of issue.

(2) The certificate may be renewed subject to the provisions of this Act.

**23. Titles of practitioners.**

The Minister may on the recommendations of the Council, prescribe by regulations the titles to be used by practitioners based on the type of service rendered and the qualifications of the practitioners.

**24. Suspension of registration.**

The Council may suspend for a period determined by the Council the registration of a practitioner where—

- (a) an offence in relation to the practitioner is being investigated;
- (b) allegations of misconduct have been made against the practitioner;



- (c) a false declaration has been made in an application for certificate or licence issued to him or her; or
- (d) that practitioner has contravened any provision of this Act.

**25. Cancellation of registration.**

(1) A certificate of a practitioner may be cancelled by the Council on the recommendations of a committee of the council where the practitioner—

- (a) has been convicted of an offence under this Act or regulations made under it;
- (b) has breached any of the terms of the licence for the practice;
- (c) has lost the qualification on the basis of which the registration was made; or
- (d) has appeared before the disciplinary committee of the council and it has recommended that the certificate be cancelled.

(2) A certificate of a practitioner shall be cancelled if the Council considers it necessary in the interest of public health.

**26. Representation to the Council.**

A registration shall not be cancelled or suspended unless the Council has given the practitioner at least thirty days notice of its intention to suspend or cancel his or her registration and has given the practitioner an opportunity to make representations, if any, to the Council.

PART V—LICENSING OF PRACTICES.

**27. Licensing of practices.**

A person shall not own or operate a practice unless he or she holds a licence in respect of the practice issued under this Act and holds a licence issued under the National Drug Policy and Authority Act, Cap. 206.in respect of the medicine.

**28. Application and conditions of licence.**

(1) A person may apply to the Council for a licence for a practice through the district office of the Council within the area in which the practice is to be operated in such form as the Council shall determine.

(2) There shall be attached to the application—

- (a) the block plan of the premises for the practice;
- (b) approval from the District Planning Authority or relevant authority on land use;
- (c) evidence of ability of proposal practitioners in the practice and proof of their registration;
- (d) testimonials of each proposed practitioner and the proposed practice from the association;
- (e) two passport size photographs of each proposed practitioner;
- (f) a list of the types of services to be rendered by the practice;
- (g) the prescribed licensing fee; and
- (h) any other additional information, which the Council may require.

(3) A licence shall not be issued to an applicant unless the Council is satisfied that the applicant—

- (a) is registered as a practitioner under this Act;
- (b) has the experience and competence to manage the practice in accordance with this Act; and
- (c) has complied with any other requirement specified by the Council, the provisions of the National Drug Policy and Authority Act and any other relevant law.

(4) The Council may request from the applicant where necessary—

- (a) clearance or an appropriate permit from the National Environmental Management Authority; and
- (b) evidence of financial viability for the ownership and operation of the practice.

**29. Issue and renewal of licence.**

(1) Where the Council is satisfied that an applicant has fulfilled all conditions required under this Act for licensing of a practice, it shall approve the application and issue the applicant with a licence.

(2) The licence shall expire after twelve calendar months from the date of issue and may be renewed subject to the provisions of this Act.

(3) There shall be paid by the applicant in respect of the licence and renewal of it such fee as may be prescribed and a licence or renewal shall not be issued or made unless the prescribed fee is paid.

**30. Display of licence.**

The licence shall be displayed in a conspicuous place in the premises of the practitioner which is accessible to all patients.

**31. Application by non-citizen.**

(1) A non citizen may apply for a licence to the Council through the district office of the Council within the area in which he or she intends to practice.

(2) The applicant shall indicate that he or she—

- (a) possesses a valid work permit issued by the responsible authority;

- (b) has evidence of being trained in the practice of indigenous medicine in his or her country of origin, if he or she was not trained in Uganda, and has been registered or licensed as a practitioner;
- (c) has at least five years post qualification experience in a recognized institution relevant to indigenous and complementary medicine;
- (d) has passed—
  - (i) an English language proficiency test where English is not the language trained in, or a similar test in a language recognized in Uganda; and
  - (ii) any professional test set by the Council, where applicable;
  - (iii) has registered with the Uganda Investment Authority, where necessary; and
  - (iv) has fulfilled the conditions set out in section 28(2) as the Council may determine and any other conditions set by the Council.

**32. Revocation, suspension and refusal to renew licence.**

The Council may revoke, suspend or refuse to renew a licence of a practice where the Council is satisfied that—

- (a) the provisions of this Act are not being satisfactorily complied with;
- (b) the continued operation of the practice creates risk to public health, safety or is immoral;
- (c) the services provided in the practice have deteriorated below the required standard;

- (d) qualified practitioners have not been employed by the owner or operator of the practice;
- (e) a practitioner in the practice is not a fit or qualified person to be so employed;
- (f) there is a breach of quality control requirements in the preparation of the herbal medicine dispensed by the practice; and
- (g) any other reasonable requirement the Council deems fit has not been complied with.

**33. Notice of revocation, suspension or refusal to licence.**

Where the Council intends to revoke, suspend or refuse to issue or renew a licence of a practice, the Registrar shall give the licensee or applicant—

- (a) notice of intention to revoke, to suspend or to refuse renewal;
- (b) reasons for the intention to revoke, suspend or to refuse; and
- (c) an opportunity to be heard.

**34. Effect of suspension or revocation of licence.**

Where the licence of a practice is suspended or revoked under this Act the premises shall be closed down.

**35. Representation of the Council.**

(1) An applicant or licensee who receives a notice under section 29 may make a representation to the Council within fifteen days from the date of receipt of the notice.

(2) Where A representation is not made under subsection (1), the Council may refuse to issue a licence applied for or may revoke a licence or temporarily close the practice after the time specified under subsection (1) has expired.

(3) Where representation is made under this section the affected practice shall subject to section 27(2) not operate until the Council determines the case.

(4) The Council shall within three months after the receipt of a representation under subsection (1), take a decision on the representation and inform the applicant of its decision within fourteen days.

**36. Power of entry and inspection.**

(1) A police officer authorised by the Council may at any reasonable time enter a practice or a place suspected to be used as a practice or a place for the production of herbal medicines for sale, to investigate activities there and make a report to the Council.

(2) Where an authorised police officer enters any premises by virtue of subsection (1) he or she shall inspect—

- (a) the licence, registers, books and equipment of the practice;
- (b) the registration certificate of any practitioner;
- (c) the premises;
- (d) any herbal medicines and may conduct random sampling of the herbal medicines to determine compliance with the quality control requirements; and
- (e) any other thing, which is relevant to the investigation.

(3) The inspector shall at the request of the person in charge of the practice produce his or her authorisation.

(4) The Council shall cause each practice to be inspected at least once a year.

(5) A police officer not below the rank of assistant superintendent may enter any premises if he or she has reasonable cause to believe that an offence with respect to this is committed on the premises.

(6) The Council may order the temporary closure of a practice in the presence of a police officer if it considers it in the public interest to do so.

(7) Nothing in this section shall be construed as authorising the inspection in a practice of any medical record of a patient.

**37. Obstruction of inspector.**

A person shall not obstruct an authorised inspector in the conduct of his or her duty under this Act.

**38. Notification of local government councilor.**

A practitioner shall notify a local government councilor within twenty-four hours after any death, which occurs on the premises of the practice.

**PART VI—FINANCIAL PROVISIONS.**

**39. Funds of the Council.**

The funds of the Council shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Council;
- (b) grants or monies donated to the Council with the approval of the Minister responsible for finance; and
- (c) any revenue derived from the sale of any property, movable or immovable, by or on behalf of the Council.

**40. Power to open and operate bank accounts.**

(1) The Council shall open and maintain such bank accounts as are necessary for the performance of the functions of the Council.

(2) The Registrar shall ensure that all money received by or on behalf of the Council is banked as soon as practicable after being received.

(3) The Registrar shall ensure that no money is withdrawn from or paid out of any of the Council's bank accounts without the consent of the Council.

**41. Borrowing powers.**

The Council may, with the approval of the Minister, and the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Council under this Act.

**42. Estimates.**

(1) The Registrar shall, within three months before the end of each financial year, cause to be prepared and submitted to the Council for its approval, estimates of the income and expenditure of the Council.

**43. Financial year of the Council.**

The financial of the Council shall be the same as financial for the Government.

**44. Accounts.**

(1) The Registrar shall cause to be kept, proper books of accounts and records of the transactions of the Council in accordance with accepted accounting principles.

(2) Subject to any direction given by the Council, the Registrar shall cause to be prepared an annual financial statement stating the basis of accounting and shall identify any significant departure from it and the reasons for departure.

(3) The statements of account shall include—



- (a) a balance sheet, an income and expenditure account and a source and application of Council's statement; and
- (b) any other information in respect of the financial affairs of the Council as the Auditor General or auditor appointed by the Auditor General may, in writing require.

**45. Audit.**

(1) The Auditor General or an auditor appointed by the Auditor shall, in each financial year, audit the accounts of the Council in accordance with National Audit Act, 2008.

(2) The Registrar shall ensure that three months after the end of each financial year, a statement of accounts is submitted to the Auditor General or to an auditor appointed by the Auditor General for auditing.

**46. Compliance with Public Finance and Accountability Act, 2003.**

The Council shall at all times comply with Public Finance and Accountability Act, 2003.

**PART VII—GENERAL.**

*Minimum standards to be maintained in the practice of indigenous and complementary medicine.*

**47. Application of Part VII.**

The provisions of this Part shall apply with regard to the minimum standards to be maintained in the practice of indigenous and complementary medicine.

**48. Code of conduct.**

The following shall be followed as a code of conduct of practitioners of indigenous and complementary medicine—

- (a) respect for patients;
- (b) non exploitation of patients;
- (c) respect for community values and acceptable moral and societal norms;
- (d) promotion of beneficial aspects Indigenous medicine;
- (e) elimination of harmful practices;
- (f) promotion of social justice through safe, acceptable and cost effective Indigenous Medicines and practice;
- (g) the informed consent of the patient.

**49. Ethical principles.**

In the Practice of indigenous and complementary medicine the following ethical principles shall be maintained—

- (a) protection of the individual or patient;
- (b) confidentiality and privacy of patients;
- (c) informed consent of patients;
- (d) prevention of prejudice and discrimination against patients;
- (e) respect for the dead;
- (f) respect of intellectual property rights;
- (g) adequate compensation for services rendered and for injuries, damages or losses arising from malpractice.

*Relationship between indigenous and complementary medicine practice and modern medical practice.*

**50. Non concurrent practice of both.**

(1) It is unlawful to practice indigenous and complementary medicine at the same time as the practice of modern medicine.

(2) A modern medical practitioner who wishes to practice indigenous and complementary medicine shall formally declare his or her interest in the prescribed manner and join the practice of indigenous and complementary medicine.

**51. Non use of modern medical titles.**

(1) A person who practices indigenous and complementary medicine shall not use or refer to himself or herself titles belonging to the practice of modern medicine for which they are not qualified such as doctor, nurse or professor.

(2) The Minister may on the recommendation by the Council, by statutory order declare titles to be used by practitioners of indigenous and complementary medicine based on their qualifications and quality of service rendered.

**52. Regulations for Part VII.**

The Minister may for the avoidance of doubt, by regulations made under section 59 prescribe any details required to give full effect to this Part and may by the regulations prescribe penalties in respect of contravention of the regulations including disciplinary penalties ; and may provide for appeals from disciplinary proceedings.

**PART VIII—MISCELLANEOUS.**

**53. Form of seal.**

The common seal of the Council shall be in a form approved by Council.

**54. Protection from liability.**

A member of the Council or any employee of the Council or other person engaged by the Council shall not be liable for any Act done by him or her in good faith on behalf of the Council or under the instructions of the Council.

**55. Annual report.**

(1) The Council shall submit to the Minister, as soon as practicable and in any case not later than six months after the end of each financial year, a report dealing generally with the activities and operations of the Council during the year to which the report relates.

(2) The report referred to in subsection (1) shall contain—

- (a) the audited accounts of the Council and the Auditor General's report on the accounts of the Authority; and
- (b) such other information as the Council may consider necessary.

(3) The Minister shall, within two months after the receipt of the annual report, submit the report to Parliament with any statement which he or she considers necessary.

**56. Ministerial responsibility and directives.**

The Minister shall have ministerial responsibility for the council and may give to the Council directives of a general nature on the policy to be followed by the Council in the performance of its functions.

**57. Register of indigenous and complementary medicine practitioners.**

The Registrar shall record in a register to be known as the Register of Indigenous and Complementary Medicine Practitioners the names of registered practitioners and premises licensed for that practice under this Act.

**58. Patent rights in relation to indigenous and complementary medicine.**

This Act does not prohibit the right of any person to claim patent rights in respect of any invention relating to indigenous and complementary medicine under any law relating to patents.

**59. Offences.**

- (1) A person who—
- (a) owns or operates a practice without having been registered a practitioner under this Act;
  - (b) uses a practice for services other than those for which it is licensed;
  - (c) makes a false declaration in an application for registration or for licence;
  - (d) provides the Council with false information concerning a practice;
  - (e) obstructs the entry for inspection of an authorised inspector;
  - (f) prevents an authorised person from closing down the practice;
  - (g) disregards safety regulations made under this Act;
  - (h) pollutes the environment in the course of his or her operations under this Act;
  - (i) works in a practice without the appropriate qualification or registration;
  - (j) uses a title for which he is not qualified;
  - (k) operates from a vehicle without full address being written boldly on the vehicle;
  - (l) fails to keep the required register or records prescribed by regulations; or
  - (m) fails to notify a coroner of death in his or her practice;

commits an offence and is liable on conviction to a fine not exceeding forty eight currency point or imprisonment not exceeding two years or both.

(2) The trial court may where necessary order the closure of the premises of the practice on such conditions as it deems fit.

**60. Regulations.**

(1) The Minister may on advice of the Council by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may prescribe—

- (a) the standards of safety and sanitary conditions of a practice;
- (b) a code of ethics for practitioners and for disciplinary matters;
- (c) how to regulate the arrangements for sterilisation and disinfection of a practice and the prevention of spread of infections from a practice;
- (d) how the register and records are to be kept in respect of a practice;
- (e) the fees to be paid for registration of practitioners and licensing of a practice;
- (f) regulations of the preparation and storage of herbal medicines; and
- (g) acts which constitute exploitation of patients.

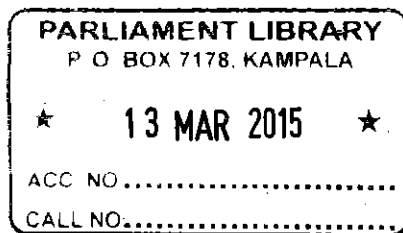
(3) Regulations made under subsection (1) may—

- (a) prescribe fees in respect of anything to be done under this Act;
- (b) prescribe penalties for the contravention of the regulations not exceeding a fine of one hundred and twenty currency points or imprisonment not exceeding five years or both and
- (c) prescribe a higher penalty for repeated or continued offences;
- (d) require the court to confiscate anything used in the contravention.

**61. Power to amend Schedules.**

(1) The Minister may, with the approval of the Cabinet by statutory instrument, amend the First Schedule.

(2) The Minister may on the advice of the Council by statutory instrument, amend the Second Schedule.



**FIRST SCHEDULE**

**Sections 3, 60.**

**Currency Point.**

One currency point is equivalent to twenty thousand Uganda shillings.



SECOND SCHEDULE

Sections 9, 60

1. **Meetings of the Council.**

(1) The Council shall meet for the transaction of business at such times and at such places as the Chairperson may determine but shall meet at least once in every three months.

(2) The Chairperson shall at the request in writing of not less than one-third of the membership of the Council convene an extraordinary meeting of the Council at such a place and time as he or she may determine.

(3) Five members of the Council shall constitute a quorum.

(4) Every meeting of the Council shall be presided over by the Chairperson and in his or her absence by a member of the Council elected by the members present from among their members.

(5) Matters before the Council shall be decided by a simple majority of the members present and voting and where there is an equality of votes the Chairperson shall have a second or casting vote.

(6) The Council may co-opt any person to attend a Council meeting but that person shall not vote any matter for decision by the Council.

(7) Proceedings of the Council shall not be invalidated by reason of any vacancy in the membership of the Council or by reason of any defect in the appointment of any member or by reason that a person not entitled to be present or vote at any meeting of the Council was present or voted at the meeting.

(8) The Council may where it considers appropriate determine any matter by circulation of papers and indication of views by members except that a member may request that a specific matter should be dealt with formality by the Council.

2. **Disclosure of interest.**

(1) A member of the Council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose to the Council the nature of his or her interest.

**Bill No. 2 Indigenous and Complementary Medicine Bill** 2015

(2) A disclosure under sub paragraph (1) shall be recorded in the minutes of the meeting of the Council and the member making the disclosure shall not, unless the Council otherwise directs in respect of the matter—

- (a) be present during any deliberation on the matter by the Council;  
or
- (b) take part in any decision of the Council on the matter.

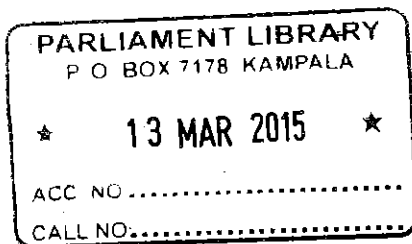
(3) A member who contravenes this paragraph is liable to be removed from the Council.

**3. Minutes of meetings of the Council.**

The Council shall cause the minutes of the proceedings of its meetings to be recorded and kept and the minutes shall be confirmed by the Council at the next meeting and signed by the Chairman or other person presiding at the next meeting.

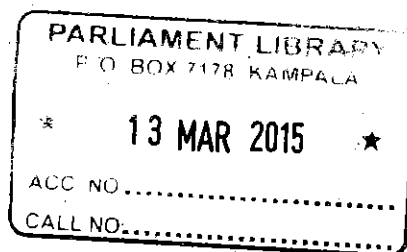
**4. Council to regulate its proceedings.**

Subject to this Schedule, the Council may regulate its own proceedings and the proceedings of committees appointed by the Council.



**Cross References**

1. National Drug Policy and Authority Act, Cap. 206.
2. Public Fund and Accountability Act, 2003 Act No.6 of 2003.
3. National Audit Act 2008, Act No.7 of 2008.



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