

PART FIVE-PSYCHOLOGY COUNCIL

Establishment of the Council

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115. (1) There is established by this Act a body corporate with perpetual succession to be known as the Psychology Council.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the Council under the State Property and Contracts Act, 1960 (C.A.6) or the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Council.

Object of the Council

116. The object of the Council is to secure in the public interest the highest standards in the training and practice of applied psychology.

Functions of the Council

117. To achieve the object, the Council shall

- (a) assess facilities and content of programmes for the training of psychologists, therapists and lay practitioners (lay counsellors);
- (b) ensure that the pre-registration training of newly qualified psychologists, therapists and lay practitioners in accredited training institutions meets the required standards;
- (c) conduct examinations for the registration of foreign trained psychologists, therapists and lay practitioners;
- (d) conduct examinations for the registration of locally trained psychologists, therapists and lay practitioners who do not meet the prescribed conditions for registration;
- (e) compile and keep registers of registered practitioners;
- (f) prescribe and enforce professional standards and conduct for practitioners;
- (g) exercise disciplinary power over professionals and lay practitioners (lay counsellors); and
- (h) perform any other functions that are ancillary to the objects of the Council.

Governing body of the Council

118. (1) The governing body of the Council is a Board consisting of

- (a) a chairperson who is a registered psychologist of not less than fifteen years standing as a psychologist;

- (b) two registered psychologists representing health facilities and industry elected by the practitioners;
- (c) one representative of an accredited training institution that provides tertiary training for psychologists and therapists, who is a practitioner and who shall be nominated by the Minister;
- (d) one registered lay practitioner who has worked for not less than ten years as a lay practitioner;
- (e) one representative of the Attorney-General not below the level of Principal State Attorney;
- (f) one representative of the Ministry of Health not below the rank of director;
- (g) one person who is not a psychologist or therapists nominated by the Minister; and
- (h) the Registrar of the Council

(2) The Chairperson and members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

Registration

Registration procedure

119. (1) A person shall not practice as a psychologist, therapists, lay practitioner or provide psychological services unless that person is registered as a practitioner in accordance with this Part.

(2) A person who seeks to be registered as a psychologist, therapist or lay practitioner shall;

- (a) apply to the Registrar in the manner determined by the Board; and
- (b) submit to the Registrar a qualifying certificate and any other document that the Registrar may require.

(3) The registration is valid for the period determined by the Board.

Qualification for registration

120. (1) A person does not qualify to be registered as a psychologist or therapist unless that person

- (a) holds a primary qualification in psychology/therapy from an accredited psychology programme or from an institution recognised by the Board.
- (b) passes or is exempted from the prescribed examination conducted by the Council.

(2) A person shall not be registered as a psychologist assistant unless that person holds a first degree in psychology, social work or sociology from a recognised institution.

(3) A person shall not be registered as a lay practitioner unless that person fulfils the requirements determined by the Board.

(4) A person registered by the Board shall pay the prescribed fee.

(5) The registration is valid for the period determined by the Board.

Registration of foreign-trained persons

121. (1) A foreign-trained psychologist or therapist who has
 (a) obtained a primary qualification,
 and

 (b) passed or is exempted from the prescribed examination shall undergo one year training as an intern in an approved hospital or institution or agency in this country with provisional registration before being registered under this Part.

(2) A foreign-trained psychologist or therapist who satisfies the requirement of sub-section I(a) and (b) and has completed internship outside the country and is fully registered and licensed by that country may be exempted from supervised training in an approved hospital or institution.

(3) The Board may exempt a foreign-trained psychologist or therapist from internship and supervised training for a period as determined by the Board.

Types of register

122. (1) The Council shall have three categories of registers for the registration of practitioners namely,

 (a) a permanent register for practitioners, who intend to practice permanently in the country;

 (b) a temporary register for practitioners who intend to practice for a period of not more than three months; and

 (c) a provisional register for newly qualified and foreign trained practitioners who have passed the prescribed examination.

(2) The Registrar shall keep the registers.

(3) The form and nature of the register shall be determined by the Board.

Temporary registration

123. (1) A temporary registration is valid for a period of not more than three months in a year and is renewable yearly upon request for not more than three years.

(2) A practitioner on a temporary register shall not provide psychological services except in an approved hospital, premises or institution.

(3) A practitioner who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than two thousand five hundred penalty units or to a term of imprisonment of not more than four years or to both.

Provisional registration

124. (1) A provisional registration is valid for the period determined by the Board.

(2) A person seeking to be on a provisional register shall, except as otherwise provided under this Part, pass the prescribed examination and satisfy other conditions determined by the Board.

(3) A person on provisional register shall practice only in a hospital or an institution approved by the Board.

(4) A person on a provisional register who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

Permanent registration

125. (1) A person may apply to the Registrar for permanent registration after practicing with a provisional registration for a period determined by the Board and after successfully completing internship.

(2) A permanent registration is valid for the calendar year in which it was made.

(3) The registration shall be renewed by the practitioner on or before the 31st December for the following calendar year.

Suspension of registration

126. The Board may suspend the registration of a practitioner where:

- (a) an offence or allegation of misconduct in relation to the practitioner is being investigated;
- (b) a false declaration has been made in an application for registration under this Part; or
- (c) the practitioner has contravened a provision of this Part.

Cancellation of registration

127. The Board shall cancel the registration of a practitioner on the recommendation of a Disciplinary Committee of the Board where

- (a) an offence or allegation of misconduct in relation to the practitioner is being investigated;
- (b) the practitioner has lost the qualification on the basis of which the registration was made;
- (c) the practitioner is sentenced to a term of imprisonment for a criminal offence; or
- (d) the practitioner fails to comply with the penalty imposed by the Board after due process.

Representation to the Board and appeal

128. (1) A person on a provisional register whose application for registration is refused by the Registrar may appeal against the refusal to the Board

(2) Registration shall not be suspended unless the Board has given the practitioner at least thirty days notice of its intention to suspend the registration and has provided the practitioner with an opportunity to make a representation to the Board.

(3) Registration shall not be cancelled unless the Board has given the practitioner at least thirty days notice of its intention to cancel the registration.

(4) A person dissatisfied with a decision of the Board may appeal to the High Court.

Annual list of registered practitioners

129. The Registrar shall publish the list of persons on the register yearly in the *Gazette* by the 31st of January.

Removal and restoration of names from register

130. (1) The Registrar shall on the recommendations of the Board remove from the register the name of a person or practitioner

(a) *who* is dead,

(b) *who* has been found guilty of professional misconduct by the Disciplinary Committee or

(c) who has not paid the prescribed fee.

(2) The name of a person or practitioner may be restored to the register by the Registrar as directed by the Board.

Notification of change of name or address

131. A registered practitioner shall notify the Registrar in writing of a change in name or address within thirty days of the change.

Insertion in register of additional qualifications

132. A practitioner who has obtained a higher degree or additional qualification recognised by the Board, is entitled to have the higher degree or additional qualification inserted in the register in addition to the qualification previously registered, upon payment of a fee determined by the Board.

Rights conferred by registration

133. A psychologist or therapist, except an intern, registered under this Part may

(a) provide psychological services;

(b) provide psychometric assessment; and

(c) sign a certificate or document required by law.

(2) Subject to the provisions of any enactment a psychologist or therapist shall not prescribe and store psychotropic medicines unless the psychologist or therapist has the requisite qualification and license to do so.

Unregistered practitioner

134. (1) A person who is otherwise qualified but is not registered as a psychologist, therapist or lay practitioner shall not provide any form of psychological services.

(2) A person who acts contrary to subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

Licensing

Licensing of premises

135. (1) A person, a body corporate or a government institution shall not provide psychological services unless the premises are licensed in accordance with this Part.

(2) An applicant who seeks to license premises for psychological services shall apply to the Registrar in the manner determined by the Board.

(3) The license for premises maybe general or limited and is valid for the period determined by the Board.

(4) The Board may revoke a license if satisfied that the physical conditions of the premises have ceased to be suitable for the provision of psychological services.

(5) Lay practitioners shall not be registered to practice as independent practitioners unless that person works under the supervision of a registered psychologist or therapist.

Licensing of corporate bodies

136. (1) The Board may grant a licence to a person, a body corporate or a government institution to provide psychological services if satisfied that the

(a) applicants are registered psychologists or therapists and fit to provide psychological services, and

(b) business of the applicant is carried on under the supervision of a psychologist or therapist who has practiced for five years.

(2) The Board may revoke the license granted under subsection (1) where a condition specified in the license has not been complied with.

Miscellaneous provisions

Entry into premises

137. A person authorised by the Board may enter into premises at a reasonable time

(a) to inspect the registration of a psychologist, therapists, lay practitioner or any psychological services provider or the license of premises, or

(b) if that person has reasonable cause to believe that an offence with respect to this Part has been, or is about to be or is being committed on the premises.

Investigation by inspector

138. The Inspector may

- (a) require a person on the premises to furnish information in the person's possession concerning the activities carried on the premises and the people who carry out the activities,
- (b) inspect the premises and articles found on the premises, or
- (c) exercise any power conferred by this Part; and
- (d) shall produce on demand a duly authenticated document which shows that the inspector has the authority to inspect the premises.

Power of closure

139. (1) An inspector may with the approval of the Board, close the premises that does not meet the prescribed standards.

(2) The closure of the premises shall be made with the assistance of the police but where this is not possible, the closure shall be reported to the police within twenty four hours after closure.

(3) The order in respect of the closure may have conditions attached as determined by the Board.

Offences

140. (1) A person who

- (a) makes a false declaration in an application for registration as a psychologist; or lay practitioner
 - (b) does not have the requisite qualification to practice as a psychologist or therapist and knowingly represents as such;
 - (c) wilfully and falsely uses any name, title such as "Dr." or addition implying a qualification to practice as a psychologist or therapist;
 - (d) employs a non-registered practitioner;
 - (e) without being registered under this Part;
 - (a) practices or professes to practice applied psychology; or
 - (b) receives payment to provide psychological services; or
 - (f) wilfully destroys or damages a register kept under this Part; or
 - (g) or contravenes any of the provisions of this Part,
- commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both; and in the case of a continuing offence to a further fine of ten penalty units for each day during which the offence continues after written notice has been served on the offender by the Board.

Regulations

141. The Minister may, on the advice of the Board, by Legislative Instrument, make Regulations to

- (a) prescribe the form of notices and any other documents required to be issued under this Part;
- (b) prescribe the conditions for registration of practitioners;
- (c) prescribe practice standards for practitioners;
- (d) provide for the discipline of practitioners;
- (e) prescribe the fees to be paid under this Part;
- (j) provide for the education and examination of practitioners; and
- (g) provide for any other matters necessary for the effective implementation of the provisions of this Part.

Interpretation

- 142.** In this Part, unless the context otherwise requires,
- "approved hospital or institution" means a psychiatric or a general hospital, clinic or institution approved by the Board;
 - "Council" means the Psychological Council;
 - "facilities" includes physical structures, equipment and the requisite human resource;
 - "fields of Psychology" includes Clinical, Cognitive, Community, Counselling (Guidance and General), Consumer, Developmental, Educational, Environmental, Experimental, Health, Industrial and Organizational, Measurement and Evaluation, Neuropsychology, psychometrics, School, Social, Special Education and Sports.
 - "intern" means a practitioner who is doing internship;
 - "internship" means a period of training in an approved hospital or institution by a practitioner who has completed basic applied psychology training in a recognised institution or university;
 - "Minister" means the Minister responsible for Health;

- "lay practitioner" means a person who has a certificate in pastoral counselling, career counselling, guidance and counselling, family counselling, marriage and relationship counselling and other lay counsellors among others;
- "practice" means the profession of applied psychology;
- "practitioner" means a clinical, health, counselling or community psychologists or therapist registered to practise under this Part with qualifications recognized by the Board;
- "pre-registration training" means internship;
- "primary qualification" means a first degree in psychology, social work or sociology from a recognised institution.
- "psychologist" is a person who holds at least a primary qualification of PhD or Psych. D. or an M. Phil; MA or MSc in psychology from an accredited psychology programme or from an institution recognised by the Board;
- "therapist" is a person who holds at least a primary qualification of PhD or Psych. D. or an M. Phil; MA or MSc in psychotherapy from an accredited programme or from an institution recognised by the Board;
- "psychologist assistants" means a person who holds a bachelor's degree in psychology, or social work, or sociology from a recognized institution
- "psychological services" means services provided by qualified Psychologists in the form of counselling, consultancy, therapy, research, education, social interventions, psychometric assessment and expert witnessing."
- "psychometric assessment" means "use of psychological tool to assess a person"
- "qualifying examination" means an examination which a psychology student is required to pass in order to obtain a primary qualification;
- "registered licensed psychologist" means a person whose name is on the Register of Psychologists and whose registration is not suspended or cancelled;
- "registered licensed therapist" means a person whose name is on the Register of Therapist and whose registration is not suspended or cancelled;
- "Regulations" means the Regulations made under this Part; and "training institutions" means an accredited psychology school, university or postgraduate college or department of a university.

**PART SIX-ADMINISTRATIVE, FINANCIAL AND
MISCELLANEOUS PROVISIONS**

Registrar

143. (1) The President shall, in accordance with article 195 of the Constitution appoint

- (a) an allied health professional with at least ten years professional experience and at least five years administrative or managerial experience,
 - (b) a registered medical or dental practitioner with at least ten years professional experience and at least five years administrative or managerial experience,
 - (c) a registered nurse or midwife with at least ten years professional experience and at least five years administrative or managerial experience,
 - (d) a pharmacist with at least ten years professional experience, or and at least five years administrative or managerial experience
 - (e) a psychologist or therapist with at least ten years professional experience and at least five years administrative or managerial experience
- to be the Registrar of the Council.

(2) The Registrar shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Registrar shall be appointed for a term of four years and is eligible for re-appointment for another term only.

(4) The Registrar is the secretary to the Board.

Functions of the Registrar

144. (1) The Registrar is responsible for the day-to-day administration of the affairs of the Council and is answerable to the Board in the performance of functions under this Act.

(2) The Registrar shall perform any other functions determined by the Board.

(3) The Registrar may delegate a function to an officer of the Council but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

Tenure of office of Board members

145. (1) A member of the Board, shall hold office for a period not exceeding three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Registrar of the Council.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the nominating body or Minister.

(4) A member of the Board, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 149; or

(b) as a result of a declaration under subsection (6) ; or

(c) by reason of the death of a member.

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

146. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum of a meeting of the Board is five members of the Board or a greater number determined by the Board in respect of an important matter.

Act 857 *Health Professions Regulatory Bodies Act, 2013*

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson; a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

Disclosure of interest

147. A member of the Board who has an interest in a matter for consideration

(a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not participate in the deliberations of the Board in respect of that matter.

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

(a) fails to disclose that interest; or

(b) participates in the deliberations of the matter.

Establishment of committees

148. (1) The Board may establish committees consisting of members of the Board or non members or both to perform a function provided that where it is composed of non-members only, it shall be advisory.

(2) The governing body of the Allied Health Professions Council shall appoint a Committee for each of the allied health professions.

(3) The governing body of the Medical and Dental Council shall appoint a Committee for physician assistants.

(4) The governing body of the Pharmacy Council shall have a Committee for Pharmacy technicians.

(5) Without limiting subsection (1), a Council shall have a disciplinary committee.

(b) the Pharmacy Council shall have a Committee for Pharmacy technicians

(6) A committee of the Board may be chaired by a member of the Board.

(7) Section 149 applies to members of committees of the Board.

Allowances

149. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Regional and district offices of the Council

150. (1) The Board may establish regional and district offices of the Council in each regional capital and in the districts determined by the Board.

(2) A regional or district office of the Council shall be provided with the public officers that the President shall appoint in accordance with article 195 of the Constitution.

(3) A regional or district office of the Council shall perform the functions of the Council in the region or district that the Board may direct.

Ministerial directives

151. The Minister may give directives to the Board on matters of policy and the Board shall comply.

Advice to the Minister

152. A Board shall advise the Minister on matters that concerns the Board.

Appointment of other staff

153. (1) The President shall in accordance with article 195 of the Constitution appoint other staff of the Council.

(2) The Council shall have other officers and staff that are necessary for the proper and effective performance of its functions.

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

(4) The Council may engage the services of advisers on the recommendations of the Board.

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(2) The Council shall have other officers and staff that are necessary for the proper and effective performance of its functions.

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

(4) The Council may engage the services of advisers on the recommendations of the Board.

Funds of the regulatory bodies

154. (1) The funds of the regulatory bodies include

- (a) moneys approved by Parliament,
- (b) moneys derived from fees,
- (c) donations, grants and gifts, and
- (d) any other moneys that are approved by the Minister responsible for Finance.

(2) A regulatory body may retain

- (a) a percentage of internally generated funds realised in the performance of its functions, and
- (b) the percentage retained by a regulatory body shall be as specified in writing by the Minister responsible for Finance.

Accounts and audit

155. (1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Council to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

(4) The financial year of the Council shall be the same as the financial year of the Government.

Annual report and other reports

156. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Council for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports which the Minister may require in writing.

Practice by non-citizens

157. A non-citizen who intends to practice in the country under this Act shall hold a valid work permit or otherwise be entitled to work in gainful employment in the country.

Collaboration with statutory bodies

158. The Board shall collaborate with other statutory bodies in the health sector, particularly the Board responsible for the licensing and inspection of facilities and premises.

Interpretation

159. In this Part unless the context otherwise requires

"Board" means the respective governing bodies of the Allied Health Professions Council, the Medical and Dental Council, the Nursing and Midwifery Council, the Pharmacy Council, and the Psychological Council; and

"Council" means the respective Allied Health Professions Council, the Medical and Dental Council, the Nursing and Midwifery Council, the Pharmacy Council and the Psychological Council.