

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

HOMOEOPATHY ACT, No. 10 OF 2016

[Certified on 27th July, 2016]

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[Certified on 27th July, 2016]

L.D.—O. 46/2005

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A HOMOEOPATHIC

MEDICAL COUNCIL; FOR THE REGISTRATION OF HOMOEOPATHIC

PRACTITIONERS AND HOMOEOPATHIC PHARMACISTS; FOR THE

REGISTRATION AND REGULATION OF HOMOEOPATHIC INSTITUTIONS;

TO PROMOTE, FOSTER, AND REGULATE THE HOMOEOPATHIC SYSTEM

OF MEDICINE AND FOR THE REGULATION AND CONTROL OF THE

MANUFACTURE, IMPORTATION, STORAGE, SALE AND DISTRIBUTION OF

HOMOEOPATHIC MEDICINE, DRUGS AND OTHER HOMOEOPATHIC

PREPARATIONS; TO REPEAL THE HOMOEOPATHY ACT, NO. 7 OF 1970

AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR

INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:-

1. This Act may be cited as the Homoeopathy Act, Short title and

date of

No. 10 of 2016 and shall come into operation on such date

operation.

as may be appointed by the Minister (hereinafter referred to

as the “appointed date”) by Order Published in the Gazette.

PART I

ESTABLISHMENT OF THE HOMOEOPATHIC MEDICAL COUNCIL

2. (1) There shall be established a Council which shall Establishment of

the

be called the Homoeopathic Medical Council (hereinafter

Homoeopathic

referred to as the “Council”). Medical

Council.

(2) The Council shall, by the name assigned to it by

subsection (1), be a body corporate and shall have perpetual

succession and a common seal and may sue and be sued in

that name and may hold, acquire and dispose of any property

movable or immovable.

2—PL 009983— 2,961 (06/2016)

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(3) The Council shall consist of the following members

appointed by the Minister:-

(a) ex-officio members, namely-

(i) Additional Secretary of the Ministry or an

officer not below the rank of Senior Assistant

Secretary nominated by the Secretary to the

Ministry;

(ii) a representative of the General Treasury

nominated by the Secretary to the Ministry

of the Minister assigned the subject of

Finance;

(iii) a representative of the University Grants

Commission nominated by the Chairman

of the University Grants Commission

established under the Universities Act,

No. 16 of 1978.

(b) five members to be elected in the manner specified

in section 6 from among the registered practitioners

of Homoeopathy;

(c) three members to be appointed by the Minister, of

whom at least two members shall be from among

the registered practitioners of Homoeopathy.

Disqualification 3. A person shall be disqualified from being elected or

for being elected being appointed as a member of the Council if he –

or appointed as

a member of the

Council. (a) is or becomes a member of Parliament or of any

Provincial Council or of any Local Authority; or

(b) is less than twenty five years of age; or

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(c) is found or declared to be of unsound mind under

any written law in force in Sri Lanka or any other

country; or

(d) is an undischarged, bankrupt or insolvent under

any written law in force in Sri Lanka or any other

country; or

(e) is an employee of the Council; or

(f) convicted by a competent court of an offence

involving of moral turpitude; or

(g) is not, or ceases to be a citizen of Sri Lanka; or

(h) ceases to be a registered practitioner of

Homoeopathy.

4. (1) The Minister may remove from office any member Removal of the

other than an ex-officio member, for reasons assigned after Members from

an inquiry. office.

(2) Every such removal shall be published in the Gazette.

5. A member of the Council, other than an ex-officio Vacation of

member shall be deemed to have vacated office – office by

members of the

(a) on his absence without excuse sufficient in the Council.

opinion of the Council from three consecutive

meetings of the Council;

(b) on ceasing to be a registered Homoeopathic

practitioner;

(c) on the acceptance of the resignation in writing by

the Minister;

(d) on the expiry of his term of office;

(e) on his removal from office by the Minister under

the Act;

(f) if he becomes subject to any of the disqualifications

referred to in section 3.

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Election of the 6. An election for the purpose of section 2(3) (b) shall

members for the

purpose of be conducted by the Secretary to the Ministry of the Minister

section 2(3)(b). in such manner as may be prescribed.

Appointment of 7. (1) The members of the Council shall elect a President

the President who is a registered medical practitioner of Homoeopathy

and Vice

and a Vice President from among the members of the Council

President.

in such manner as may be prescribed.

(2) Where any dispute arises regarding the election of a

member to the Council it shall be referred to the Minister,

whose decision on such matter shall be final.

Resignation of 8. The President, Vice president, and any member of

the President. the Council other than the ex-officio members of the Council

etc.

may at any time resign his office by letter addressed to the

Minister and such resignation shall take effect from the date

of acceptance by the Minister.

Term of office 9. (1) Every ex-officio member of the Council shall hold

of the members office as long as he holds the post by virtue of which he is a

of the Council.

member of the Council.

(2) The President, Vice President, and a member of the

Council shall, unless he vacates office earlier by death,

resignation or removal hold office for a term of three years:

Provided however, that the member elected or appointed

in place of a member who vacates office, shall hold office for

the unexpired period of the term of office of the member

whom he succeeds:

Provided further, that the unexpired period of the term

of office so held by such member, shall not be deemed to be

a full term for the purpose of re-election or re- appointment

under section 2.

(3) A member of the Council shall, unless he is removed

from office, be eligible for re-election or re-appointment to

the Council for two consecutive terms.

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(4) The election or appointment of the members of the

Council shall be held at least three months prior to the expiry

of the term of the Council.

10. (1) The Council shall hold meetings at least once in The meetings of

three months at such time and place as may be determined the Council.

by the Council.

(2) The President, shall preside at any meeting of the

Council and in the absence of the President, the Vice

President or in the absence of both the President and Vice

President a member elected by the members present shall

preside at such meeting.

(3) The quorum for a meeting of the Council shall be

seven.

(4) All questions for decision at any meeting shall be

decided by a majority of votes of the members present.

(5) In the event of an equality of votes at any meeting of

the Council, the President, Vice President or the member

presiding at such meeting shall, in addition to his own vote,

have a casting vote.

(6) Subject to the other provisions of this Act, the Council

may regulate the procedure in regard to its meetings and the

transaction of business at such meetings.

11. (1) The minutes of the proceedings of every meeting Minutes of

of the Council shall be entered in a book to be kept for the proceedings.

purpose and shall be signed by the President of the meeting.

(2) A copy of the minutes of the proceedings of every

meeting of the Council shall, be transmitted to the Minister

within fourteen days from the date of the meeting.

12. A member of the Council shall be remunerated in Remuneration of

such manner and at such rates as may be determined by the the members of

the Council.

Minister with the concurrence of the Minister to whom the

subject of Finance is assigned.

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No act ,decision 13. No act, decision or proceeding of the Council shall

or proceeding of

the Council shall be invalid by reason only of the existence of any vacancy

be invalid by among its members or any defect in the appointment or

reason only of election of a member thereof or in the constitution of the

the existence of Council.

any vacancy.

The seal of the 14. The Seal of the Council-

Council.

(a) shall be in the custody of the registrar of the

Council appointed under section 18 of the

Act;

(b) may be altered in such manner as may be

determined by the Council;

(c) shall not be affixed to any instrument or

document except in the presence of the

registrar and two members of the Council all

of whom shall sign the instrument or

document in token of their presence.

PART II

THE OBJECTS AND POWERS OF THE COUNCIL

Objects of the 15. The objects of the Council shall be-

Council.

(a) to promote, foster and regulate the practice

of Homoeopathy;

(b) to promote Homoeopathic system of medicine

in the society with a view to improving the

public health, in accordance with

Homoeopathy;

(c) to promote and encourage the study, research

into and practice of Homoeopathy;

(d) to establish and maintain Homoeopathic

Institutions;

(e) to regulate and control Homoeopathic

Institutions providing treatment according to

the Homoeopathic system of medicine other

than the government Homoeopathic teaching

hospitals; and

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(f) to regulate and control of the manufacture,

importation, storage, sale and distribution of

Homoeopathic medicines, drugs and other

Homoeopathic preparations.

16. The Council shall have the power to- Powers of the

Council.

(a) register Homoeopathic medical practitioners,

Homoeopathic pharmacists, Homoeopathic

nurses and Homoeopathic institutions;

(b) recognise the medical qualifications relating

to Homoeopathy awarded by the

Homoeopathic institutions in and outside

Sri Lanka for the purpose of registration of

Homoeopathic medical practitioners and to

determine the circumstances in which such

recognition shall be granted or refused;

(c) call for such information from any recognized

university or institution in respect of the

courses of study, or examinations or any

matter relating to the grant or conferment of

a Homoeopathic medical qualifications by

such university or medical institution;

(d) appoint medical inspectors to supervise,

enter, inspect, examine and investigate-

(i) the Homeopathy medical colleges and

institutions in order to ensure that the

minimum standards are maintained by

such colleges or institutions for the

purpose of regulations under this Act;

and

(ii) institutions where Homeopathy is

practiced, in order to ensure that

Homeopathy is practiced only by a

registered Homeopathic medical

practitioner and such institutions

conform to the minimum standards

prescribed by regulations;

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(e) provide services necessary for the treatment

of diseases, in accordance with the

Homoeopathy;

(f) establish and maintain Homoeopathic

institutions and to arrange for postgraduate

study in Homoeopathy;

(g) establish and maintain dispensaries, centres,

pharmacies and related institutions or

establishments as the case may be, or import

or export of Homoeopathic medicine,

necessary for the preparation and

administration of Homoeopathic treatment;

(h) encourage the scientific manufacture of

Homoeopathic medicines;

(i) prescribe and maintain the minimum

standards of medical education and

practice of Homoeopathy including the

minimum standards relating to courses

of study, examinations, staff, equipment,

accommodation, training, hospitals and other

facilities provided by the Homoeopathic

medical colleges and other Homoeopathic

institutions;

(j) encourage the study of, and research into the

systems of Homoeopathic medicine by

granting Scholarships and other facilities to

deserving persons particularly youth and by

granting financial and other assistance to

institutions providing courses of study or

engaged in research in Homoeopathy;

(k) prescribe and maintain the minimum

standards of medical education relating to post

graduate Homoeopathic medical education;

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(l) develop and encourage such measures as are

necessary for the investigation of diseases,

the treatment and prevention of diseases, and

improvement of public health, according to

Homoeopathy;

(m) make arrangements with higher educational

institutions to grant or confer degrees and

other academic distinctions relating to

Homoeopathy;

(n) make arrangements with the approval of the

Minister and in consultation with the Minister

the subject of higher education assigned, to

establish a Homoeopathic Medical College

in terms of the Universities Act, No.16 of

1978;

(o) to establish with the approval of the Minister

such committees as may be necessary for the

carrying out of the functions and duties of

the Council;

(p) to delegate any power, duty or function to

any officer or committee from time to time

subject to such conditions as the Council may

deem necessary;

(q) to make rules for the exercise, discharge and

performance of the powers, functions and

duties of the Council; and

(r) to do all such other acts which may be

incidental or conducive to, the attainment of

the objects of the Council or the exercise and

discharge of the powers and duties under this

Act.

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Power of the 17. (1) The Council may subject to the other provisions

Council to make of this Act, make rules for the following:–

rules.

(i) to exercise disciplinary control over such staff

as may be deemed necessary by the Council to

carry out the functions of the Council;

(ii) to fix the wages, salary or other remuneration of

such staff;

(iii) to determine the terms and conditions of service

of such staff in consultation with the Department

of Management Services;

(iv) to establish and regulate provident funds or

pension schemes for the benefit of such staff

and make contributions to any such fund or

scheme; and

(v) to manage and maintain the property of the

Council.

(2) Rules may be made by the Council in respect of all or

any of the matters referred to in subsection (1).

(3) Every rule made under subsection (1) shall be

published in the Gazette, and shall come into operation on

the date of its publication or on such later date as may be

specified therein.

Registrar and 18. (1) The Council shall, with the concurrence of the

other officers Minister, appoint-

and employees

of the Council.

(a) a registrar who shall act as the Secretary of the

Council for a period of five years unless removed

earlier for reasons assigned;

(b) such other officers and employees as it may deem

necessary to discharge the functions under this Act.

(2) All persons appointed or employed under this section

shall be deemed to be public servants within the meaning of

the section 19 of the Penal Code.

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19. The Council may, with the prior approval of the Matters in

Minister and in consultation with the Minister assigned the respect of which

moneys may be

subject of Finance grant such sum, out of moneys voted for paid.

the purpose by the Parliament in writing of following

matters:—

(a) for the purpose of defraying expenses connected

with the administration of the Council;

(b) to any institution established and maintained for

the training of practitioners of Homoeopathy;

(c) to any institution which provides courses of study

or which is engaged in research into Homoeopathy;

(d) to any other institution established and maintained

for the promotion of the Homoeopathy; and

(e) to grant scholarships, stipends, to deserving

students of recognized institutions to carry out

studies in Homoeopathy.

PART III

ESTABLISHMENT OF HOMOEOPATHIC MEDICAL COLLEGES OR

HOMOEOPATHIC MEDICAL INSTITUTIONS

20. (1) No person shall establish and maintain a Establishment of

Homoeopathic Medical College or Homoeopathic a Homoeopathic

Medical College

Institution except with the prior approval of the University

or

Grants Commission established under the Universities Act, Homoeopathic

No. 16 of 1978 and the Council. Medical

Institution by

persons other

(2) An approved Homoeopathic Medical College or

than the

Homoeopathic Medical institution, shall not– Council.

(i) commence a new or higher course of study or

training including any post-graduate course of

study or training in Homoeopathy leading to the

grant or conferment of a degree, diploma or any

other recognized Homoeopathic medical

qualification; or

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(ii) increase its admission capacity in any course

of study or training which is connected to the field

of Homoeopathy including any post-graduate

course of study or training leading to the grant

or conferment of a degree, diploma or any

other recognized Homoeopathic medical

qualification,

except with the prior approval of the University Grants

Commission and the Council.

(3) Every course of study or training including any post-

graduate course of study or training referred to in subsection

(2) shall conform to the minimum standards of education

referred to in section 25.

(4) Every person who contravenes the provisions of this

section or any regulation made thereunder shall commit an

offence and shall on conviction after summary trial before a

Magistrate, be liable to a fine not less than fifty thousand

rupees or to imprisonment of either description for a term

not exceeding six months or to both such fine and

imprisonment.

(5) The Council may, in addition to the provisions of

subsection (4) institute proceedings in the District Court for

restraining the commission or continuance of the acts referred

to in subsections (1) and (2) under the provisions of Chapter

XLVIII of the Civil Procedure Code.

(6) Where an offence under this section is committed by

a body of persons then-

(a) if that body of persons is a body corporate, every

director and officer of that body corporate; or

(b) if that body of persons is a firm, every partner and

officer of that firm,

shall be deemed to be guilty of that offence:

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Provided that, a director or an officer of such body

corporate or a partner or officer of such firm shall not be

deemed to be guilty of such offence, if that director, officer

or partner proves that such offence was committed without

the knowledge of such person or that such person exercised

all such diligence as is necessary to prevent the commission

of such offence.

PART IV

RECOGNITION OF HOMOEOPATHIC MEDICAL QUALIFICATIONS

21. (1) The Homoeopathic medical qualifications Recognition of

granted or conferred by any recognized Homoeopathic Homoeopathic

medical

medical college or Homoeopathic institution in Sri Lanka qualification

may be recognized by the Council subject to the provisions awarded in Sri

Lanka.

of subsection (2).

(2) The Council shall, make such examinations,

investigations and inquiries in relation to the medical

college or Homoeopathic institution referred to in subsection

(1) for the purpose of ascertaining whether-

(a) the courses of study provided by such

Homoeopathic college or Homoeopathic

institution leading to the grant or conferment of

any such qualification; or

(b) degree of proficiency required at any examination

held by such college or institution for the purpose

of granting or conferring any such Homoeopathy

medical qualifications; or

(c) the staff, equipment, accommodation and facilities

provided by such college or institution for such

course of study,

conforms to the prescribed minimum standards of education

referred to in section 25.

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(3) Where the Council is satisfied, upon making such

examination, investigation and inquiries under subsection

(2), the Council may recommend to the Minister, to recognize

such Homoeopathic medical qualifications in the manner

prescribed.

(4) The Council with the concurrence of the Minister

may, by Notification published in the Gazette, notify the

public of such qualifications recognized by the Council

with effect from the date specified therein.

Recognition of 22. (1) Any Homoeopathic medical qualification

Homoeopathic granted by a Homoeopathic medical college or an institution

medical

qualification outside Sri Lanka, may be recognized by the Council having

awarded out side regard to the standard of medical education of such college

Sri Lanka. or institution and whether such qualification is a qualification

recognized by the approved authority responsible for

recognizing such qualification under the appropriate laws

of that country.

(2) (a) The Council may enter into negotiations in any

country outside Sri Lanka, with any approved Authority

referred to in subsection (1) for setting up of a Scheme of

reciprocity for the recognition of medical qualifications in

Homoeopathy.

(b) The Council may, in pursuance of any such scheme,

by Notification published in the Gazette, notify the public

that it intends to include such qualification as a

Homoeopathic medical qualification recognized by the

Council with effect from the date specified therein.

(c) Where the Council has refused to grant recognition to

any Homoeopathic medical qualification granted by any

Authority referred to in subsection (2), such college or

institution which is dissatisfied with the decision of the

Council may appeal to the Minister within two weeks from

the date on which such decision was communicated to it.

After considering such appeal and after obtaining from the

Council a report, stating the reasons, if any, for such refusal,

the Minister may, confirm or vary such decision.

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(3) For the purpose of subsection (1) in determining the

standard of medical education, the Council shall have regard

to the prescribed minimum standards of education referred

to in section 25.

23. (1) The Council shall appoint such number of Council to

Medical Inspectors prescribed by regulations, as it may appoint Medical

Inspectors.

consider necessary, who are experts in subjects taught in

Homoeopathic Medical College, or Homoeopathic

Institution–

(a) to inspect any Homoeopathic Medical College or

Homoeopathic Institution where education in

Homoeopathy is given; and

(b) to examine, investigate and inquire into, for the

purpose of ascertaining whether-

(i) courses of study provided by such college or

institution leading to the grant or conferment

of a medical qualification in Homoeopathy;

(ii) the degree of proficiency required at

examinations held by such college or

institution for the purpose of granting or

conferring any such qualification;

(iii) the staff, equipment, accommodation and

facilities provided by such college or

institution for such course of study,

conform to the prescribed minimum standards of education

referred to in section 25, for recognition of Homoeopathic

medical qualifications granted by such Homoeopathic

Medical College or Homoeopathic Institution.

(2) Every person in charge of such medical college or

institution shall afford all such facilities as may be required

by such medical inspectors referred to in subsection (1) for

the purpose of making all such examinations, investigations

and inquiries.

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(3) The medical inspectors shall not interfere with the

conduct of any training or examination conducted by such

medical college or institution.

(4) Where any medical inspector makes any investigation,

examination or inquiry as is referred to in subsection (1), he

shall make a report of his findings to the Council.

(5) The Council shall forward a copy of any such report

to the Homoeopathic Medical College or Institution,

requiring such college or institution to forward its

observations.

(6) Upon receipt of the observations under subsection (5)

the Council shall forward a copy of such report with the

observations of the college or institution as the case may be,

to the Minister.

Consequences of 24. (1) Upon receipt of a report of the medical inspector

failure to if it appears to the Council that–

conform to

prescribed (a) the courses of study provided by the Homoeopathic

standards. medical college or Homoeopathic institution

leading to the grant or conferment of a medical

qualification; or

(b) the degree of proficiency required at examinations

held by such medical college or institution for the

purpose of granting or conferring any such

qualification; or

(c) the staff, equipment, accommodation and facilities

provided by such medical college or institution

for such course of study,

do not conform to the prescribed standards, the Council

may make recommendations to the Minister that such

qualifications shall not be recognized for the purposes of

this Act.

(2) Upon the receipt of such recommendations under

subsection (1), the Minister may forward a copy of such

recommendation to the approved authority of such

Homoeopathic medical college or Homoeopathic institution

to make its comments thereon within a specified period.

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(3) Upon the receipt of the comments if any or where

comments are not made within the specified period, the

Minister after making such further inquiry as he may

consider necessary, shall declare by an Order published in

the Gazette that the said medical qualification shall not be

a recognized medical qualification in relation to such

medical college or institution or in relation to any institution

affiliated to such medical college or institution, from such

date as may be specified in that Order.

25. The Council shall prescribe the minimum standards Minimum

of education in Homoeopathy required for the grant or Standards of

conferment of a medical qualification leading to the grant Education.

or conferment of a degree or diploma in Homoeopathy or

the degree of proficiency required by such college or

institution at any examination held, or the staff, equipment,

accommodation and facilities provided by such

Homoeopathic medical college or Homoeopathic medical

institution for the purpose of such course of study.

26. Subject to the other provisions of this Act, any Rights and

Homoeopathic medical qualification recognized by the privileges of

Council shall be sufficient proof that the holder thereof has persons holding

recognized

been granted the qualification specified therein for the

qualification.

purpose of enrolment as a Homoeopathic Medical

Practitioner in terms of this Act, and for the inclusion of the

name of the holder of such qualification in the register of

Homoeopathy.

27. Every Homoeopathic Medical College or Institution Council to

in Sri Lanka which grants a recognized Homoeopathic require

medical qualification shall furnish such information as the information to

be furnished.

Council may, from time to time, require.

PART V

THE REGISTER OF HOMOEOPATHY

28. (1) The Council shall maintain in the prescribed Register of

manner, a register of Homoeopathy (hereinafter in this part Homoeopathy.

referred to as the “register”) for the purpose of registration of

Homoeopathic medical practitioners.

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(2) Notwithstanding the provisions of subsection (1), the

general register of Homoeopathy maintained under section

25 of the Homoeopathy Act, No.7 of 1970 shall be deemed

to be kept and maintained under this Act and every person

whose name is entered in that register shall be deemed to be

registered under this Act.

(3) A person whose name is entered in the Register

shall -

(a) be eligible to hold office as a Homoeopathic

physician or any other office in Government or in

any institution maintained by a local or other

authority;

(b) be eligible to practice Homoeopathy;

(c) be eligible to give any evidence at any inquest or

any Court as an expert under the Evidence

Ordinance on any matter relating to Homoeopathy.

(4) The provisions of subsection (3) shall not affect -

(a) the right of a practitioner of Homoeopathy

enrolled in the register of Homoeopathy

registered in terms of the Homoeopathy Act, No.7

of 1970, to practice Homoeopathy in Sri Lanka;

and

(b) the privileges (including the right to practice

Homoeopathy) conferred on a practitioner of

Homoeopathy enrolled on the register of

Homoeopathy registered in terms of the

Homoeopathy Act, No.7 of 1970.

(5) For the avoidance of doubt it is declared that any

person who is registered in terms of section 25 of the

Homoeopathy Act, No.7 of 1970, prior to the date of

commencement of this Act, shall from the date of

commencement of this Act be deemed by virtue of such

registration to be a Homoeopathic practitioner for the purpose

of this Act.

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(6) It shall be the duty of the Registrar of the Council to

maintain the Register of Homoeopathy in terms of the

provisions of this Act and of any rule made by the Council,

and update the register and publish it in such manner as may

be prescribed.

(7) Subject to the provisions of section 33, any person

whose name appears in the register shall renew his registration

once in five years in the prescribed manner.

(8) The register shall be deemed to be a public document

within the meaning of the Evidence Ordinance.

29. (1) No person shall be registered as a Homoeopathic Qualifications

practitioner in the register of Homoeopathic practitioners, for registration

as a

unless that person – Homoeopathic

practitioner.

(a) is of good character;

(b) is a citizen of Sri Lanka; and

(c) holds a Degree of Bachelor of Homoeopathic

Medicine and Surgery or Diploma.

(2) For the purposes of this section –

(a) “degree of Bachelor of Homoeopathic

Medicine and Surgery” means a degree

obtained after following a course of study of

not less than four years duration including a

period of internship of not less than six

months, granted by a Homoeopathic medical

college or an institution affiliated to a

University in Sri Lanka or abroad and which

is recognized by the Council having regard

to the standard of medical education of such

medical college or institution;

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(b) “diploma” shall include a fulltime diploma

obtained in Homoeopathy after following a

course of study of not less than four years

duration including a period of internship of

not less than six months, granted by a

Homoeopathic medical college or an

institution affiliated to a University in

Sri Lanka or abroad and which is recognized

by the Council having regard to the standard

of medical education of such medical college

or institution, including such other criteria

as may be determined by the Council.

(3) For the purpose of subsection (1), the Council shall,

in determining the standard of medical education have regard

to the prescribed minimum standards of education referred

to in section 25.

(4) Notwithstanding the provisions of subsection (1)(b),

a person who is not a citizen of Sri Lanka may be registered

temporarily for such period subject to the other provisions

of section 31 and subject to such terms and conditions as

may be prescribed.

Special 30. (1) Any person who possess knowledge and

circumstances

experience of not less than five years in Homoeopathy

under which

registration may medicine on the appointed date may, make an application

be made. to the Council for registration as a Homoeopathic

practitioner in the register.

(2) The Council shall within three months of the date of

receipt of the application verify the details in the application

and hold a written examination to examine the proficiency

of such person to practice Homoeopathy, and on being

satisfied of his knowledge and experience, cause the name

of such person to be entered in the register of Homoeopathy.

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(3) The Examination which is to be held under subsection

(2) shall be notified by notification published in the Gazette.

(4) The Council shall hold the written examination

referred to in subsection (2) only on three occasions within

a period of three years from the appointed date.

31. (1) The Council shall cause to be maintained in the Maintenance of

Register of

prescribed manner, a register of pharmacists of Homoeopathy

Homoeopathic

to be known as the register of Homoeopathic pharmacists. pharmacists.

(2) The Registrar shall be responsible for maintaining the

register referred to in subsection (1).

(3) Where an applicant satisfies the requirements

specified for the registration of the Homoeopathic

Pharmacists, the Council shall on an application made

in the prescribed manner by such person, enter the

name of such person in the register of Homoeopathic

Pharmacists.

32. The Council may make rules regarding the standards Standards of

professional

of professional conduct and etiquette and a Code of Ethics

conduct and

for practitioners of Homoeopathy and such rules may specify etiquette and a

the activities which constitute malpractices and professional code of ethics.

misconduct.

33. (1) Where the Council is of the opinion, upon Removal of the

evidence forwarded to the Council that a registered names of

persons from the

practitioner of Homoeopathy is- register.

(a) not actively practising Homoeopathy as his main

vocation; or

(b) not following the Homoeopathy; or

(c) deprived of any diploma, degree or certificate on

the faith of which he was registered as a medical

practitioner; or

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(d) convicted of an offence which shows him to be

unfit to practise as a medical practitioner; or

(e) guilty of any malpractice or professional

misconduct,

the Council shall, subject to the provisions of subsections

(2) and (3), cause to remove their names from the register.

(2) The Council shall, prior to the removal of their names

from the register, require such practitioners to give reasons

in writing as to why their names should not be removed from

the register on the grounds specified above.

(3) Where the Council is dissatisfied with the reasons

given by the registered Homoeopathic practitioner, and after

holding due inquiry in the prescribed manner, the Council

shall make an order to remove the name and all other related

entries from the register.

(4) Subject to the provisions of subsection (5), the

Council shall cause to be published in the Gazette the name

of the Practitioner so removed from the register.

(5) Where the name of any person has been removed from

the register on any ground specified in subsection (1) other

than the ground specified in paragraph (c) thereof and where

any application by the said person for restoration of his

name to the register has been rejected, he may appeal to the

Minister in the prescribed manner.

(6) The decision of the Minister in respect of such appeal

shall be final.

(7) For the purposes of this section “main vocation” shall

mean the practice of Homoeopathy medicine in accordance

with the accepted principles of Homoeopathy to the

exclusion of other systems of medicine.

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34. Subject to the conditions and restrictions specified Rights of any

in this Act regarding practice of Homoeopathy by every persons

possessing

person who is registered in the register shall be entitled to

certain

practice Homoeopathy in any part of Sri Lanka and to charge recognized

a fee in respect of the treatments given. medical

qualifications.

35. For the purposes of any written law, the words “a Meaning of

registered Homoeopathic practitioner” shall be construed “registered

as meaning a Homoeopathic medical practitioner registered Homoeopathic

under this Act. practitioner”.

36. Where any person whose name is entered in the Entry of

Register, obtains any title, diploma or other qualification additional

title,diploma or

for proficiency in the field of Homoeopathy, which is a

other

recognized medical qualification, he shall, on application qualifications.

made in that behalf in the prescribed manner, be entitled to

have an entry stating such other title, diploma or other

qualification made against his name in the register either in

substitution for or in addition to any entry previously made.

37. Every person registered in the register shall notify Transfer of the

any change of place of his residence or practice to the place of his

residence to be

Council within thirty days of such change. Where he fails to notified.

notify such change such member shall forfeit the right to

participate in the election of members to the Council.

38. (1) A person who, not being a registered Pretence to be a

Homoeopathic Practitioner- registered

Homoeopathic

Practitioner, or

(a) uses the title of “registered Homoeopathic practicing for

practitioner” in Sinhala or its equivalent in any gain as a

other language, either alone or in combination with Homoeopathic

any other words or letter; or Practitioner

when not

registered, to be

(b) uses any name, title, addition or description an offence.

implying that such person is a registered

Homoeopathic practitioner; or

(c) practises Homoeopathy for gain;

shall commit an offence.

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(2) Any person who commits an offence under subsection

(1) shall be guilty of an offence and shall on conviction

after summary trial before a Magistrate be liable to

imprisonment of either description for a term not exceeding

one year or to a fine not less than two hundred thousand

rupees or to both such imprisonment and fine.

PART VI

FINANCE AND ACCOUNTS

The Fund of the 39. (1) There shall be established a Fund called

Council. “Homoeopathic Fund” (hereinafter referred to as the “Fund”)

of the Council.

(2) There shall be paid into the Fund of the Council -

(a) all such sums of money as may be received in

the exercise, performance and discharge of its

powers, duties and functions under this Act;

(b) all such sums of money voted from time to time

by Parliament;

(c) any fees received from Homoeopathic

practitioners and examinees;

(d) any loans and other sums of money received by

the Council; and

(e) any grant, gift or donation in cash or kind

received from the Government of Sri Lanka or

from a foreign Country:

Provided that, the Council shall obtain the

prior written approval of the Department of

External Resources of the Ministry of the

Homoeopathy Act, No. 10 of 2016 25

Minister assigned the subject of National

Policies and Economic Affairs in respect of any

grant, gift or donation received by the Council

from a foreign country.

(3) There shall be paid out of the Fund all the expenditure

incurred in implementing the provisions of this Act.

40. (1) The Financial year of the Council shall be the The financial

calendar year. year and the

audit of

accounts.

(2) The Council shall cause proper books of accounts to

be kept of the income and expenditure, assets and liabilities

and all other transactions of the Council.

(3) The provisions of Article 154 of the Constitution

relating to the audit of the accounts of Public Corporations

shall apply to and in relation to the audit of the accounts of

the Council.

PART VII

MISCELLANEOUS

41. The provisions of the Medical Ordinance (Chapter Medical

105) shall not apply to, or in relation to, persons practicing Ordinance

(Chapter 105)

medicine, pharmacy or nursing according to Homoeopathy.

not to apply to

registered

Homoeopathic

practitioners.

42. (1) The Council shall within three months at the Council to

end of the each financial year submit to the Minister an furnish reports

etc. to the

annual report of the activities carried on by the Council

Minister.

during that financial year and cause each of the following

documents relating to that year attached to such report:–

(a) the audited account of the Council for the year

along with a report of proposed activities for the

year immediately following the year to which such

report relates;

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(b) Action Plan, Corporate Plan, Performance Report,

and other information to the Minister as may be

required.

(2) The Minister shall lay copies of the document under

subsection (1) before Parliament within six months from the

date of receipt of such report.

Exempt the 43. The Minister assigned the subject of Finance, may

Council from

exempt the Council from the payment of any duties, levies

any duties & of

any tax. and of any tax on the income or profits of the Council to

such extent as is permitted in terms of the Inland Revenue

Act, No. 10 of 2006 or in terms of any other written law for

the time being in force governing the imposition of such

duty, levy or tax as the case may be.

complaints 44. (1) Where the Minister is of the opinion that the

made against the

Council is not complying with any of the provisions of this

Council.

Act or upon receipt of a complaint against the Council, he

may refer that non compliance or the complaint to the

Secretary to the Ministry of the Minister and the Secretary

shall proceed to inquire in to the complaint and report to the

Minister and the Secretary may submit the report with the

recommendations as he may deem appropriate.

(2) Where the Minister approves the recommendation

made under subsection (1), the Secretary may require the

Council to adopt such recommendations within such time

and if the Council fails to comply with any such requirement,

he may make order or take such other steps as he may deem

necessary to give effect to such recommendations.

(3) Where the Council fails to carry out any

recommendation, the Secretary shall have power to direct

the Council to comply with the relevant provisions of the

Act.

Homoeopathy Act, No. 10 of 2016 27

45. (1) No premises shall be used for the purpose of Homoeopathic

manufacturing, storing and selling Homoeopathic medicine units for

manufacturing,

on or after such date as may be appointed in that behalf by

storing and

the Minister by Order published in the Gazette unless such selling of

premises is for the time being registered in the manner medicine to be

prescribed under this Act by the Director as a Homoeopathic registered.

manufacturing unit, pharmacy, store or sales outlet as the

case may be, upon an application being made in that behalf

to the Director.

(2) The appointed date shall be a date not earlier than

three months after the date of the publication of that Order

under subsection (1).

(3) Any person who contravenes the provisions of

subsection (1) shall commit an offence and shall on

conviction after summary trial before a Magistrate be liable

to imprisonment of either description for a term not

exceeding six months or to a fine of not less than fifty

thousand rupees or to both such imprisonment and fine.

46. The Minister may from time to time issue to the Directions by

Council such general or special directions in writing as to the Minister.

the exercise, performance and discharge of its powers,

functions and duties and it shall be the duty of the Council

to give effect to such directions.

47. (1) The Minister may, for the purpose of carrying Regulations.

out or giving effect to the principles and provisions of the

Act, make regulations with respect to any matter required by

the Act to be prescribed or in respect of which regulations

are required or authorized to be made under the Act.

(2) In particular and without prejudice to the generality

of the powers conferred on the Minister by subsection (1)

the Minister may make regulation under this section in

respect of all or any of the following matters:-

(a) the manner in which the registration of the

Homoeopathic medical practitioners, and

28 Homoeopathy Act, No. 10 of 2016

pharmacists, medical institutions, Homoeopathic

manufacturing units, sales outlets are to be carried

out, the forms of application, the fees to be charged

and the period of registration;

(b) the manner in which refusal, renewal, suspension

or cancellation of registration as a Homoeopathic

medical practitioner, is carried out;

(c) the manner of the election of the president, vice

president and the members of the Council;

(d) the terms and conditions to be complied in relation

to registered Homoeopathy manufacturing units,

pharmacies, sales outlets or stores;

(e) the manner in which the records and books are to

be kept and maintained in relation to registered

Homoeopathic manufacturing units, pharmacies,

sales outlets or stores;

(f) the manner in which the reports to be furnished

from time to time in respect of registered

Homoeopathic manufacturing units, pharmacies,

sales outlets and the stores and the particulars to be

contained therein;

(g) the manner in which the proper maintenance and

administration of registered Homoeopathic

manufacturing units, pharmacies, sales outlets and

stores, be carried out;

(h) the summoning of meetings of the Council for the

purpose of electing members of the Council and

the procedure to be observed at such meeting;

(i) the minimum standards of medical education and

the practice of Homoeopathy including minimum

Homoeopathy Act, No. 10 of 2016 29

standards relating to courses of study,

examinations, staff, equipment, accommodation,

training and other facilities at the Homoeopathy

Colleges and other Institutions which grant or

confer any qualification which entitles a person to

obtain registration under this Act;

(j) qualifications and criteria for enrolment as a

pharmacist;

(k) the conduct of professional examinations,

qualifications of examiners and the criteria of

admission to such examinations.

48. All members, officers and employees of the Council All members,

shall be deemed to be public servants within the meaning officers and

employees of

and for the purpose of the Penal Code (Chapter 19).

the Council

deemed to be

public servants.

49. The Council shall be deemed to be a scheduled The Council

institution within the meaning of the Bribery Act deemed to be a

scheduled

(Chapter 26) and the provisions of that Act shall be construed institution with

accordingly. in the meaning

of the Bribery

Act.

50. (1) The Homoeopathy Act, No. 7 of 1970 is hereby Repeal and

repealed. Savings.

(2) Notwithstanding the repeal of the aforesaid Act -

(a) all moneys lying to the credit of the Fund

established under section 39 of the repealed Act,

on the day immediately prior to the date of

commencement of this Act, shall be transferred

to the Fund of the Council established under

this Act;

(b) all suits and prosecutions instituted by or against

the Council in any Court or tribunal and pending

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on the day prior to the date of commencement of

this Act shall be deemed to be suits and

prosecutions instituted by or against the Council

under this Act and may be continued

accordingly;

(c) all decrees and orders entered or made by any

competent Court in favour of or against the

Council and remaining unsatisfied on the date

of Commencement of this Act, shall be deemed

to have been entered or made in favour of or

against the Council under this Act and may be

enforced accordingly;

(d) every regulation and rule made by the Minister

under the repealed Act and in force on the date

of commencement of this Act and which is not

inconsistent with the provisions of this Act, shall

be deemed to be a regulation made under this

Act and may be amended or varied until

regulations are made in terms of this Act;

(e) every officer and servant appointed to the

Council under the repealed Act, and holding

office on the date of commencement of this Act,

shall be deemed to be officers and servants

appointed under this Act and shall continue in

office accordingly on the same terms and

conditions; and

(f) the Homoeopathic hospital administered by the

government under the repealed Act and

functioning as such on the day immediately

preceding the date of commencement of this Act

shall be deemed to be a hospital established

under this Act and shall be continued

accordingly.

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51. (1) Notwithstanding the provisions of section 2, The interim

Homoeopathic

the Minister shall appoint an Interim Homoeopathic Medical

medical Council.

Council (hereinafter referred to as the “Interim Council”)

which shall consist of the following members:-

(a) ex officio members referred to in Section 2 (3) (a);

(b) four registered medical practitioners of

Homoeopathy; and

(c) three persons who have distinguished themselves

with proven knowledge, experience and eminence

in the fields of law, medical or science.

(2) The Interim Council shall carry out the functions of

the Council until the Council is constituted within two years

from the date of commencement of this Act.

(3) The Minister shall, appoint the Interim Council within

a period of three months commencing from the appointed

date.

(4) The Minister shall, appoint the President and the

Vice President of the Interim Council from among the

members referred to in paragraph (b) of subsection (1).

(5) Subject to the provisions of subsection (2), the

members of the Interim Council shall hold office until the

Council is appointed by the Minister.

(6) The quorum for a meeting of the Interim Council shall

be five.

52. In this Act- Interpretation.

“Commission” means the University Grants

Commission established under the

Universities Act, No.16 of 1978;

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“Council” means the Homoeopathic Medical

Council constituted under section 2;

”Degree Awarding Institute” has the same meaning

as in the Universities Act, No.16 of 1978;

“dispensary” means any premises (howsoever

described) used or intended to be used for the

outdoor treatment of persons suffering from

illnesses;

“Homoeopathy” means the system of medicine

established by Dr. Hahneman which uses the

medicine prepared according to such system

of medicine and also use all such modern

advanced methods in science and technology

as are necessary for clinical management of

diseases, diseases prevention and for

promotion of health and includes the use of

Bio chemical remedies, natural therapies,

Batch flower remedies, anthropomorphically

medicines etc;

“Homoeopathic Medical College” means a college

of Homoeopathy, whether known by that

name or by any other name, in which a person

may undergo a course of study or training

including any postgraduate course of study

or training and all other such courses related

to Homoeopathy within or outside Sri Lanka,

which grants or confers Degrees, Diplomas or

any other qualifications in Homoeopathy or

related disciplines;

“ Homoeopathic Institution” means any institution

other than a Homoeopathic medical college

within or outside Sri Lanka, which grants

Degrees, Diplomas or any other qualifications

Homoeopathy Act, No. 10 of 2016 33

in Homoeopathy or related disciplines and

includes a University or Degree Awarding

Institute and an institution referred to section

20 of this Act;

“Homoeopathic Medical qualification” means any

Homoeopathic medical qualifications which

entitle the holder to be registered under this

Act.

“Minister” means the Minister to whom the subject

of Homoeopathic System of Medicine is

assigned and “Ministry” shall be construed

accordingly;

“Pharmacy” includes the manufacturing unit, where

Homoeopathic medicines are manufactured,

prepared or compounded;

“prescribed” “ means prescribed by regulations

made under this Act;

“recognized Homeopathic medical college or

institution” means any Homoeopathic

medical college or institution recognized by

the Council which grants or confers a medical

qualification;

“Register” means the register of Homoeopathic

practitioners maintained by the Council under

section 28 of this Act;

“registered medical practitioner of Homoeopathy”

means a person who is for the time being

registered, in the General Register

maintained under section 25 of the

Homoeopathy Act, No.7 of 1970 and persons

who are registered under this Act.

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“rules” means any rule made under this Act;

“University” means any University established or

deemed to be established under the

Universities Act, No.16 of 1978.

Sinhala text to 53. In the event of any inconsistency between the

prevail in case Sinhala and Tamil Texts of this Act, the Sinhala text shall

of

prevail.

Inconsistency.

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