



THE PRIVATE HOSPITALS (REGULATION)  
ACT, 1994

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ACT NO. 4 OF 1994

I ASSENT

*Salim Amour*

SALMIN AMOUR  
PRESIDENT OF ZANZIBAR  
AND  
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

*30th May,* ....., 1994

AN ACT TO MAKE PROVISION FOR THE  
MANAGEMENT OF PRIVATE HOSPITALS

ENACTED by the House of Representative of  
Zanzibar.

PART I  
PRELIMINARY

Short  
title and  
commencement.

1. This Act may be cited as the Private  
Hospitals (Regulation) Act, 1994 and shall come into  
operation after being assented to by the President.

Application  
of this  
Act and  
exemptions.

2.(1) Subject to the provisions of subsection  
(2), this Act shall apply to all private Hospitals  
and also in relation to all persons concerned with the  
management of private hospitals, whether as owners or  
employees of the private hospitals:

Provided that in the case of a private hospital  
which is in existence on the date of the enactment of  
this Act, the provisions of this Act shall not apply in  
relation to that hospital until the Minister has, by  
notice in the Gazette, specified the hospital and the  
date from which the provisions of this Act shall apply  
in relation to that hospital.



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(2) The Minister may, if in his opinion it is in the public interest to do so, by notice published in the Gazette, exempt from all or any of the provisions of this Act either absolutely or subject to such conditions as he may think fit any private hospital or any person.

(3) Notwithstanding any provision contained in this Act to the contrary, a medical practitioner shall not be deemed to be in contravention of any requirement prescribed by or under this Act in respect of any thing done by him anywhere for the purpose of rendering medical treatment, free of charge, to any person -

- (a) In an emergency situation; or
- (b) who is a member of his household or under his control.

Interpretation.

3.(1) In this Act, unless the context otherwise requires:

"approved organization" means an organization approved by the Minister under section 6 to manage a private hospital in accordance with the provisions of this Act;

"approved person" means a duly qualified medical practitioner or dentist approved by the Minister pursuant to section 6 to manage a private hospital in accordance with the provisions of this Act;

"the Board" means the Private Hospital Advisory Board established by this Act;

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"hospital" means any institution for the reception and medical treatment of persons who are injured, infirm or suffering from illness, and includes a dispensary, maternity home, clinic (whether mobile or not) and also any place or premises used for purposes of medical treatment, whether regularly or periodically;

"medical officer" means a medical practitioner in the employment of the Government;

"medical practitioner" means a person for the time being authorized to practice the medical profession by virtue of his being registered or licensed under the provisions of the Medical practitioner and Dentist Decree Cap. 77;

"medical treatment" includes dentistry, surgery, obstetrics, nursing, the administration of medicine, health counselling and the provisions of any other service or the supply of any other goods in connection with any of the matters specified in this definition, but does not include veterinary surgery;

"Minister" means the Minister for the time being responsible for matters relating to medical and health services;

"organization" includes any society, association or other body of persons, whether or not incorporated under any written law, and also a person recognized as a corporation under the law for the time being in force relating to corporations;



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"private hospital" means any hospital other than a public hospital;

"public hospital" means any hospital which is within any one of the following descriptions:-

- (a) a hospital owned by the Government;
- (b) a hospital owned by any corporation or company which is owned by the Government, either alone or jointly with any person or organization, or which is owned by any subsidiary of any corporation or company of that description;
- (c) a hospital owned by any organization, the management of which is wholly or partly financed or materially aided from the public revenue;
- (d) any other hospital which the Minister may, by notice published in the Gazette, declare to be a public hospital for the purposes of this Act.

(2) For the purpose of enabling members of the public to distinguish between private hospitals of approved organizations and public hospitals, the Minister may give directions in writing requiring all private hospitals to be indented by such means as he may prescribe in the directions and every approved person or organization shall comply with those directions.

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PART II

APPOINTMENT OF OFFICERS AND RESTRICTION  
ON MANAGEMENT OF PRIVATE HOSPITALS

Appointment  
of Registrar  
and  
Assistant  
Registrar.

4.(1) The Minister shall appoint a public officer to be a Registrar of private Hospitals and may appoint any number of other public officers to be Assistant Registrars of Private Hospital as he may consider necessary.

(2) The Registrar shall perform the duties prescribed in relation to his office by or under this Act and shall discharge such other functions and duties as the Minister or the Board may direct or prescribe by regulations made under this Act.

(3) Every Assistant Registrar shall assist Registrar in the performance of his duties under this Act and may, under the direction of Registrar, exercise any of the functions of the Registrar.

Restriction  
on  
Management  
of Private  
Hospitals.

5.(1) No individual shall manage or cause to be managed any private hospital unless -

- (a) He does so on behalf of an approved organization; or
- (b) he is an approved person.

(2) No individual or organization shall manage any private hospital unless he is an approved person or approved organization and there is subsisting in respect of the hospital and the individual valid registration made in accordance with the provisions of this Act.



(3) Any person who contravenes or fails or refuses to comply with the provisions of this section is guilty of an offence and shall be liable on conviction to a fine of two hundred thousand shillings (200,000/=) or to imprisonment for a term of three years or to both that fine and imprisonment.

The Board.

6.(1) There is hereby established a Board to be known as the Private Hospitals Advisory Board.

(2) The Board shall consist of -

- (a) The Chairman who shall be appointed by the Minister;
- (b) a State Attorney nominated by the Attorney General in the Attorney General's Chambers;
- (c) not more than five other members appointed by the Minister; and
- (d) the Registrar who shall be the Secretary.

(3) In appointing members of the Board the Minister shall have regard to the need to appoint persons with such qualifications and experience in, medicine and the conduct or management of public affairs as would enable them to contribute fully and effectively to the discharge of the functions of the Board.

(4) The Minister shall, by regulations to be published in the Gazette, provide for the constitution and proceeding of and other matters in relation to the Board.





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Functions  
of the  
Board.

7.(1) The functions of the Board shall be -

- (a) To receive, consider and decide on all applications for approval made by individuals and organizations;
- (b) to issue a permit for the establishment of private hospital by individuals or organizations after fulfilled all the requirements;
- (c) to provide conditions for the establishment of private hospitals;
- (d) to supervise the implementation of conditions of the establishment of the private hospitals;
- (e) to advise the Minister on the implementation of the provisions of this Act; and
- (f) to do any other function as may be conferred upon the Board by the Minister.

(2) The Board in exercising its functions shall have its own working and meeting procedures.

(3) The Board shall have powers to cancel any permit issued in contravention of the provisions of this Act.

(4) The Board through the Registrar shall keep and maintain all records of private hospitals.

Procedure  
of Appeal.

8.(1) Any organization or person who applied for a permit to the Board in accordance with the provisions of this Act, aggrieved by the decision of the Board shall have the right of appeal to the Minister.

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(2) The appellant shall submit his memorandum of Appeal before the Minister within one month from the date of receiving the decision from the Board.

(3) The Minister shall hear both parties and give his decision within three months from the date of hearing such an appeal.

(4) The Minister may, in deciding the appeal or any part thereof, seek advice or assistance of any person or office he deems appropriate but shall not be bound by such advice or assistance.

(5) The decision of the Minister on the point of fact shall be final and binding to the parties.

(6) Where the issue in dispute is on point of law any party aggrieved by the decision of the Minister may appeal to the court of competent jurisdiction and on hearing the appeal, the court shall not be prevented from varying or quashing any finding of the Minister on either point of fact or law.

Entitlement  
to practice  
for fees.

9. Every approved person and every approved organization shall, subject to this Act, be entitled to demand, sue for, and recover in any court of competent jurisdiction with full costs of suit, reasonable charges for professional aid, advice and visits, and the value of any medicine or any medical or surgical or dental appliances rendered or supplied.

No fees  
recoverable  
unless  
persons or  
organizations  
approved.

10. No person or organization shall be entitled to recover any charge in any court by way of claim, counter claim, set off or otherwise for any medical or surgical advice or attention or for the performance of any operation as or by a medical practitioner or dentist or for any medicine prescribed or supplied within Zanzibar unless he or it is at the time approved as such under this Act.

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Particulars of approved organizations to be registered and published.

11.(1) The Registrar shall keep a register in the prescribed form in which he shall enter the name of every approved organization and such other particulars relating to the organization as he may consider relevant, and shall delete or amend any of those particulars as circumstances may require.

(2) At least once each year the Registrar shall publish in the Gazette or in any national newspapers a list of all approved organizations whose approval is still in force.

Revocation of approval.

12. The Minister may at any time revoke any approval or its renewal given under section 6 if he is satisfied.-

- (a) that the approved organization has ceased to be eligible for approval in the terms of section 6 (2); or
- (b) that the approved organization is managing a private hospital for one or more of the purposes specified in section 6 (3); or
- (c) that the approved organization is no longer fit to manage a private hospital.

PART III  
REGISTRATION OF PRIVATE HOSPITALS

Registration of private hospitals.

13.(1) No approved organization or person shall manage any private hospital unless the hospital is registered under this section.

(2) An application for registration of a private hospital shall be made to the Board in writing specifying the hospital in respect of which the application is made and setting out such other particulars relating to the approved organization or to the hospital as may be prescribed by regulations made under this Act.



(3) There shall be separate registration in respect of every private hospital managed by an approved organization.

(4) The registration of a private hospital under this section shall become void upon the expiration of thirty days from the date of any change in the ownership or management of the hospital.

(5) On receipt of an application together with the prescribed fees (if any) for the registration of a private hospital under this section, the Board may approve or refuse to approve the application. Where the Board approves the application it shall direct the Registrar to register the private hospital specified in the application and issue to the applicant a certificate of registration in the prescribed form either without conditions or upon such conditions as the Board may prescribe.

(6) Every certificate of registration issued under this section in respect of a private hospital shall be displayed in a conspicuous position within the premises of the hospital.

(7) Without prejudice to the general power conferred upon the Board by subsection (5) to refuse to approve an application under this section, the Board may refuse to register a private hospital if he is satisfied.-

(a) that the applicant is not an approved organization or is not an organization which is eligible for approval in the terms of section 6 (2); or



- (b) that the private hospital specified in the application is not under the charge of a medical practitioner or other person who is fit to manage a hospital or a hospital of the description given in the application; or
- (c) that for reason connected with the situation, construction, accommodation, staffing or equipment of the private hospital or of any premises used in connection with the hospital, it is not in the public interest to register the hospital.

(8) Any person who manages any private hospital which is not registered under this Act or any private hospital the registration of which has been cancelled or has ceased to have effect for any other reason shall be guilty of an offence and shall be liable on conviction to a fine of less than five hundred fifty thousand shillings or to imprisonment for a term not less than three years or to both that fine and imprisonment.

Duties of Registrar in relation to registered hospital.

14.(1) The Registrar shall keep a register in the prescribed form in which he shall enter the name of every private hospital approved by the Board for registration under section 13 and such other particulars relating to the hospital as he may consider relevant, and shall delete or amend any of those particulars as circumstances may require.

(2) At least once each year the Registrar shall publish in the Gazette or in any national newspaper a list of all private hospitals the registration of which is still in force.

Cancellation of registration of hospitals.

15.(1) Where, in respect of any registered private hospital, the Board is satisfied -



- (a) that the premises of the hospital are no longer fit to be used as a hospital by reason of their being kept in an unclean or insanitary condition; or
- (b) that provision made for the medical treatment of persons attending the hospital is inadequate; or
- (c) that the approved organization or person responsible for the management of the hospital has failed to comply with any regulations made under this Act relating to the staff, accommodation or equipment to be provided at a private hospital or prescribing minimum standard of diet to be provided to persons admitted to the hospital as in-patients, the Board may, by notice in writing, require the approved organization to remedy to the satisfaction of the Board defects specified in the notice within such period as he may specify in the notice.

(2) If the approved organization fails to comply with the requirements of a notice under subsection (1) within the specified period, the Board may, after calling upon the approved organization to show cause why the Registration of the hospital should not be cancelled, cancel the registration.

#### PART IV

#### CONTROL OF FEES CHARGEABLE BY PRIVATE HOSPITALS IN RESPECT OF MEDICAL TREATMENT

Definition  
of "price".

16. In this Act, the term "price", when used in relation to medical treatment, means any fee or other payment of any description charged or chargeable by any private hospital in respect of medical treatment rendered to any person.



Power of  
Minister to  
determine  
price  
structures.

17.(1) The Minister may, from time to time, determine and review, in accordance with the provision of this Act, the price structures of medical treatment rendered by private hospitals either on a national basis or in relation to any particular area or areas.

(2) In the exercise of the power conferred upon him by subsection (1) to determine price structures in relation to medical treatment the Minister shall have power to fix maximum prices of any type of medical treatment rendered by private hospitals and to prescribe the manner in which the maximum prices shall be ascertained.

(3) In determining the price structures of any type of medical treatment the Minister shall have regard to -

- (a) the types of medical treatment essential to the community available at private hospitals and at public hospitals;
- (b) the need to prevent unduly rapid or frequent variations in prices;
- (c) the need to maintain reasonable standards of services rendered by private hospitals;
- (d) the need to promote the continued ability of private hospitals to maintain efficiency and expand their services to supplement services rendered by public hospitals;
- (e) the need to ensure the availability of adequate medical and health services in rural as well as urban areas.



(4) In addition to the factors specified in subsection (3), in determining the maximum price of medical treatment the Minister shall take into account the cost of material (if any) used, the direct and overhead costs of providing the service and the level of any duties or taxes collected from private hospitals and such other factors as the Minister may consider relevant.

(5) In the exercise of his powers under this section the Minister shall have power -

- (a) to receive and review applications for determination or variation of maximum prices from approved organizations;
- (b) to receive and review applications of representations in respect of prices from any person or organization or from any public authority;
- (c) to refer to any public authority any matter relating to prices of medical treatment for the purpose of obtaining advice on the matter;
- (d) notwithstanding any written law to the country, to secure access to relevant data concerning the provision of medical treatment from any person or organization or from any public authority.

(6) The Minister may, by notice in writing, require any approved person or organization responsible for the management of any private hospital to produce to him, within such period as he may specify in the notice -





- (a) books of account or other records relating to the management of the hospital;
- (b) a return of income made by the approved organization in respect of any year for the purposes of assessment of income tax or other similar taxes;
- (c) such other information as the Minister may consider relevant.

Decisions of subject to review by courts.

18. No decision of the Minister made in accordance with the provisions of this Act relating to prices shall be subject to review by any court on any ground.

Publication of maximum prices.

19.(1) Where the Minister has fixed the maximum price of any type of medical treatment he shall issue a notice setting out a description of the type of medical treatment and the maximum price fixed in relation to it.

(2) A notice issued under subsection (1) may be published in any manner as will, in the opinion of the Minister, ensure that its contents come to the notice of members of the public who will or are likely to be affected by the contents of the notice.

(3) With effect from the date of the publication of any notice under this section or any subsequent date specified in the notice the maximum price of the type of medical treatment described in the notice shall be the price described in relation to it.



(4) Any person who renders medical treatment at any private hospital at a price in excess of the maximum price fixed in relation to that type or medical treatment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred and fifty thousand shillings or to imprisonment for a term not exceeding three years or to both that fine and imprisonment.

Display of maximum prices.

20.(1) The Minister may, by order published in the Gazette, require any approved organization or person responsible for the management of any private hospital to display in a prominent manner and in a conspicuous position so that it may be easily read and is clearly legible to patients in those parts of the premises of the hospital where medical treatment is rendered, a list of the current maximum prices of such types of medical treatment as are mentioned in the order which the approved organization may render.

(2) An order under this section may provide for the form in which the list of maximum prices which it requires to be displayed shall be arranged.

(3) Any person responsible for the management of any private hospital who fails to display at the hospital a list of current maximum prices fixed in relation to medical treatment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

Books of account and other records.

21.(1) Every approved organization or person responsible for the management of a private hospital rendering medical treatment in respect of which maximum prices have been fixed under this Act shall keep books of account or other records in respect of the medical treatment prescribed by regulations made



(2) The approved organization or person shall, after the last entry in every book of account or record kept under this section, preserve the book or record for a period of two years or such longer period as may be prescribed by Regulations made under this Act.

Issue of receipts.

22.(1) Every person in charge of a private hospital which renders to any person medical treatment in respect of which a maximum price has been fixed under this Act and for which a price is paid or is to be paid shall, as soon as possible after the treatment is rendered, supply to the person a receipt or an invoice describing the type of treatment rendered and showing the price which has been or is to be paid for the treatment.

(2) Every person who issues a receipt or an invoice under this section shall retain in the records of the private hospital a duplicate copy of the receipt or invoice.

(3) Any person in charge of any private hospital who fails to comply with the provisions of subsection (1) or of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both the fine and imprisonment.

PART V  
GENERAL PROVISIONS

Inspection and search.

23.(1) The Registrar of Private Hospitals, an Assistant Registrar of Private Hospitals, a medical officer or any other public officer authorized by the Minister in writing for that purpose, may if he has reasonable cause to believe that medical treatment is



being given on any premises used as a private hospital, demand that the person in charge of those premises shall allow him free entry to the premises and afford him all reasonable facilities to ascertain whether the medical treatment is being rendered in accordance with the provisions of this Act or of the regulations made under it.

(2) If the officer after producing proof of his authority to any person who may reasonably require that proof, is unable to gain entry to the premises without unreasonable delay or inconvenience, he may enter the premises without warrant and inspect them to ascertain the matters specified under subsection (1).

(3) Any person who prevents or obstructs any officer acting under this section in the performance of his duties shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

Offences,  
by  
organizations.

24. Where any offence under this Act or any regulations made under it is committed by an organization, every person charged with, or concerned or acting in, the control or management of the affairs or activities of the organization shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly, unless the person proves to the satisfaction of the court that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Amendment  
of Cap. 77.

25. The Medical Practitioners and Dentists Decree is hereby amended -



- (a) In section 2, by deleting the definitions of "dentist", "medical practitioner" and "practise medicine or surgery" and substituting for them in the appropriate alphabetical positions the following definitions:-

"dentist" means any person professing to practise dentistry or holding himself out as ready and willing to give dental treatment to patients;

"medical practitioner" means any person professing to practice medicine or surgery; or holding himself out as ready and willing to give medical or surgical treatment to patients;

"practise medicine or surgery" means to give medical or surgical treatment or advice on one or more occasions;

- (b) by repealing subsection (2) of section 21;  
and  
(c) by repealing section 22.

**Regulations.**

26. The Minister may make regulations generally for the better carrying out of the purposes and provisions of this Act, and, without prejudice to the generality, may make regulations -

- (a) Prescribing forms to be used for the purposes of this Act;
- (b) prescribing fees which shall be payable in respect of any matters specified in any regulations made under this section;



- (c) providing for submission of audited balance sheets and other records, returns and particulars of approved organizations; or person;
- (d) providing for procedures of appeal;
- (e) prescribing minimum standards of diet to be provided to persons admitted to private hospital as in-patients;
- (f) requiring approved organizations to provide facilities for the welfare of patients admitted to private hospitals;
- (g) regulating the staff, accommodation and equipment to be provided at private hospitals;
- (h) relating to any matter which is required or permitted to be prescribed under this Act.

Transitional provisions.

27.(1) The Minister may at any time after the enactment of this Act and before its commencement receive and consider any application required to be submitted to him under this Act and may determine the application in accordance with the provisions of this Act:

Provided that no application approved under this section shall take effect until the date on or after which this Act shall come into operation.



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(2) The Minister may, within six months from the date of the coming into operation of this Act, by order published in the Gazette, make such transitional or supplementary provisions as he may consider necessary or expedient to give effect or enable effect to be given to the purposes and provisions of this Act.

Passed in the House of Representatives on the 23rd day of March, 1994.

*KJ Chande*

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.