

CHAPTER 244
THE TRADITIONAL AND ALTERNATIVE MEDICINE ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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CHAPTER 244

THE TRADITIONAL AND ALTERNATIVE MEDICINES ACT

An Act to make provisions for promotion, control and regulation of traditional and alternative medicine practice, to establish the Traditional and Alternative Health Practice Council and to provide for related matters.

[1st July, 2004]

[GN. No. 137 of 2004]

Act No.
23 of 2002

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Traditional and Alternative Medicines Act.

Application **2.**—(1) This Act shall apply to traditional and alternative health practitioners and aides.

(2) In case of proceedings before the Council, the Act shall apply to traditional and alternative health practitioners and aides irrespective of whether or not any traditional or alternative health practitioner is registered or enrolled.

Interpretation **3.** In this Act, unless the context otherwise requires—
“aide” means a person enrolled under section 15(3) of this Act;
“alternative health Practitioner” means a person formally trained and has acquired knowledge, skills and competence in alternative medicine practices and disciplines as recognised internationally;
“alternative medicine” means the total sum of knowledge and practice used in diagnostic, prevention and elimination of physical, mental and social imbalance relying exclusively on various established alternative medicine system of respective disciplines;

“alternative medicine remedy” includes methods or processes used for curing or any preparations derived from plants, animals or mineral products that may or may not contain chemical characteristics of substances from which it is derived but has the therapeutic effect in the intended individual and preparations of a remedy follows the systems of alternative medicine and discipline employed;

“Committee” means a Committee of the Council established under section 8(1);

“Council” means the Traditional and Alternative Health Practice Council established under section 4 of this Act;

“discipline” means knowledge and Practices established and accepted internationally such as homoeopathy, chiropractic, massage, aromatherapy, acupuncture, ayurvedic medicine and others recognised by the Council;

“herbal medicines” means plant derived material or preparations with the therapeutic or other human benefits, which contain either raw or processed ingredients from one or more plants; in some traditions material of in organic or animal origin may also be present;

“hospital” means an establishment providing out patient and inpatient general services;

“Minister” means the Minister responsible for matters related to health;

“register” means the Register of registered traditional and alternative health practitioners;

“Registrar” means the Registrar of the Council appointed under section 9;

“registration” means inclusion into the Register of traditional and alternative health practitioner;

“rolls” means rolls kept by the Registrar in which the names and particulars of persons enrolled are entered;

“professional misconduct” means a conduct connected with the traditional or alternative health practice in which the practitioner has fallen short by act or omission of the standards of conduct expected among the members of

the profession and falling short is serious in the estimation of the members of the traditional and alternative health profession;

“traditional health practitioner” means a person who is recognised by the community in which he lives as competent to provide health care by using plants, animal, mineral substances and other methods based on social, cultural and religious background as well as on the knowledge, attitudes and beliefs that are prevalent in the community regarding physical, mental and social well being and the cause of disease and disability;

“traditional medicine” means a total combination of knowledge and practice, whether applicable or not, used in diagnosing, preventing or eliminating a physical, mental or social disease and which may rely exclusively on past experience and observation handled down from one generation to another orally or in writing;

“traditional medicine remedy” includes methods, processes, practices or any medicine consisting of a substance or a mixture of substances produced by drying, extracting, crushing or comminuting, compressing natural substance of a plant, animal or mineral origin or any part of substances; and

“witchcraft” has the meaning assigned to it under the Witchcraft Act.

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PART II

ESTABLISHMENT OF THE COUNCIL

Establishment
of Council

4.–(1) There is established a Council to be known as the Traditional and Alternative Health Practice Council.

(2) The Council shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued; and

- (c) for and in connection with the purpose of this Act, be capable of holding, purchasing and otherwise acquiring and disposing of movable and immovable property.

Composition
of Council

- 5.**—(1) The Council shall be composed of-
- (a) a Chairman who shall be a person conversant with traditional or alternative medicine;
 - (b) a legally qualified person from the Office of the Attorney General;
 - (c) four registered traditional health practitioners of whom one shall be a traditional birth attendant; and
 - (d) two registered alternative health practitioners.
- (2) The Chairman of the Council shall be appointed by the President.
- (3) The Minister shall appoint other members of the Council.
- (4) The Vice Chairman shall be elected from amongst the members of the Council.
- (5) A member of the Council shall hold office for three years and shall be eligible for reappointment for another term.
- (6) Procedures of the meetings of the Council shall be as provided for in the First Schedule.
- (7) The Council shall regulate traditional medicine remedies, herbal medicine and alternative medicines remedies in a manner provided for in the Third Schedule.

Functions
of Council

- 6.**—(1) The functions of the Council shall be to monitor, regulate, promote, support the development of traditional medicine and implement the provisions of the Act and in particular to-
- (a) supervise and control the Practice of traditional and alternative health Practitioners;
 - (b) publish newly registered practitioners and other necessary issues;
 - (c) promote the practice of traditional and alternative health practitioners;
 - (d) hold inquiries for the purpose of this Act;

- (e) coordinate the efforts undertaken in different areas as to develop traditional and alternative health science;
- (f) register and enrol persons who fulfil the requirements;
- (g) register and regulate the traditional and alternative health delivery facilities;
- (h) appoint *ad-hoc* Committees in order to conduct inquiries against certain aides and practitioners;
- (i) receive, scrutinize and dispose of reports from the *ad-hoc* Committee;
- (j) promote the maintenance and enforcement of traditional and alternative health care;
- (k) protect the society from abuse of traditional and alternative health practitioner and research on human beings;
- (l) control the dissemination of information and advertisement pertaining traditional and alternative medicines;
- (m) regulate and set standards, where possible for traditional and alternative health material remedies and practices; and
- (n) provide for the protection of Tanzanian medicinal plants, and other natural resources of medicinal value, such as animals, minerals, aquatic and marine products including their parts thereof.

(2) In the performance of its functions, the Council shall as far as is practicable, maintain a system of consultation and co-operation with other institutions or bodies and the Authority responsible for food, drugs, cosmetics and medical devices on matters relating to herbal drug and herbal medicine.

(3) Notwithstanding the provisions of subsection (2), where the consultation and co-operation with other bodies or institutions established by or under any other written law requires a memorandum of understanding, the bodies or institutions concerned may enter into an agreement for the purpose of implementing functions or objectives, and the signed memorandum shall have the force of law.

(4) The Council when performing its duties under this Act, particularly when issuing instructions or directions in connections to the matters pertaining to the quality, efficacy and safety in herbal medicine and herbal drug, shall consult first with other institutions or bodies whose functions are related or similar to those specified under this Act.

Powers of Council 7. In the performance of its functions, the Council shall have powers to-

- (a) caution, censure, suspend from practice or remove from the roll an aide or de-register a traditional health practitioner or alternative health practitioner who has been-
 - (i) found to be guilty of a profession misconduct; or
 - (ii) convicted of a criminal offence or has done anything that has lowered the estimation of the traditional or alternative medicine integrity;
- (b) inspect and scrutinize practising premises of practitioners;
- (c) grant or refuse to grant recognition of practitioners;
- (d) remove any member of the Committee and Secretariat;
- (e) hire and fire;
- (f) terminate or suspend operation, permit or Professional certificate to practice as aide or traditional or alternative health practitioner;
- (g) revoke permits to premises performing illegal practices; and
- (h) delegate its powers to the *ad-hoc* Committee for the purposes of enrollment of aides when the need arise.

Standing
Committees

8.-(1) There shall be established three standing committees of the Council to be known as-

- (a) Academic Committee;
- (b) Professional Conduct Committee; and
- (c) Research and Development Committee.

(2) The composition and proceedings of the meetings shall be as provided for in the Second Schedule.

PART III

THE REGISTRAR

Registrar
of Council

9.—(1) There shall be a Registrar of the Council who shall be a public officer appointed by the Minister after consultation with the Council.

(2) The Registrar shall be the Secretary to the Council and its Committees.

(3) The office of the Registrar shall be vacant where—

- (a) he resigns;
- (b) he is removed from office; or
- (c) he dies.

Functions
of Registrar

10.—(1) The functions of the Registrar shall include the following—

- (a) to keep and maintain, on behalf of the Council, the Register and rolls of traditional and alternative health practitioners;
- (b) to make necessary alterations and corrections in the Register and rolls in relation to any entry as may be directed by the Council;
- (c) to remove from the Register or rolls, the name of any person ordered to be removed, name of a deceased traditional and alternative health practitioner, or any entry which incorrectly or fraudulently entered;
- (d) to enter into any traditional and alternative health facility for the purpose of inspection as may be directed by the Council;
- (e) to record minutes of the Council and the Committees;
- (f) to keep the seal of the Council;
- (g) subject to the general control of the Council, be responsible for the funds, properties of the Council and day to day administration of affairs of the Council, the Secretariat and control of the staff of the Council;
- (h) to implement decisions of the Council;

- (i) to recommend proposal for the formulation of policies and to implement policies as adopted by the Council;
- (j) to establish and maintain relationship with organisations, agencies and institutions as may be appropriate for implementation of policies and carrying out of the functions of the Council; and
- (k) to carry out any other function which may be assigned to him by the Council.

(2) The Chairman may, in writing, require the Registrar to submit a report on any matter affecting the affairs of the Council.

(3) The Registrar shall, within three months after the end of each financial year, submit to the Council a general report on affairs and activities of the Council.

Deputy Registrar

11.—(1) There shall be a Deputy Registrar appointed by the Council who shall be a legally qualified person employed in the Service and whose terms and conditions of appointment shall be as prescribed in a letter of appointment.

(2) The Deputy Registrar shall perform duties and assignment as may be directed by the Registrar.

Secretariat

12.—(1) There shall be established a Secretariat to the Council to assist in the carrying out of its functions.

(2) The functions of the Secretariat shall be—

- (a) to implement the decisions of the Council;
- (b) to recommend proposals for the formulation of policies of the Council and implement the policies adopted by the Council;
- (c) to establish and maintain relationship with organisations, institutions and agencies as may be appropriate for facilitating the implementation of the policies and the carrying out of the functions of the Council; and
- (d) to carry out other functions as the Council may direct.

Other staff

13.–(1) Public officers may be employed or co-opted to the service of the Council.

(2) A public officer employed or co-opted as per subsection (1) shall, without further assurance, be deemed to be part of the Secretariat of the Council.

PART IV REGISTRATION

Qualifications
to be registered
or enroled as
traditional health
practitioner or
aide

14.–(1) A person who applies to be registered as a traditional health practitioner shall be required to present to the Registrar any relevant identification documents and a written statement from the local government authority within which he is practicing.

(2) An aide to the traditional health practitioner shall be enrolled by a mere fact that, he is a Tanzanian citizen and attached to a traditional health practitioner.

Qualifications
to be registered
or enroled as
alternative health
practitioner or
aide

15.–(1) A person who applies to be registered as the alternative health Practitioner shall be required to produce-

- (a) any degrees or certificates from a recognised institute; and
- (b) any other relevant documents in support thereof.

(2) Any other additional qualification recognised may be considered for approval.

(3) An aide to the alternative health practitioner shall be enrolled by a mere fact that, he is a Tanzanian citizen and attached to an alternative health practitioner.

Additional
requirements

16. Registration requirements provided for in sections 14 and 15 of this Act, shall include-

- (a) filling of application form for respective category of the practising;
- (b) submission of four photographs;
- (c) presentation of testimonials; and
- (d) payment of registration fees.

Provisional registration	17. A practitioner shall be registered provisionally for a period of three years and issued with a certificate.
Full registration	18. A person shall be issued with a certificate of full registration according to his category, after fulfilling - (a) the requirements provided for under sections 14,15 and 16, as the case may be; and (b) the requirements under the provisions of section 17.
Temporary registration	19. A person who is not a citizen of Tanzania and wish to practice as a traditional or alternative health practitioner may apply and be issued with a temporary registration certificate where he has - (a) fulfilled all requirements for full registration; and (b) affiliated himself with a local institution.
Conditions for temporary registration	20. A holder of temporary registration certificate shall be required to renew his certificate after every two years and shall not be allowed to change his physical address without prior permission from the Council.
Letter of authorisation	21. Where the Council is satisfied in relation to a person who is a Tanzanian that a person- (a) is registered as traditional or alternative practitioner under this Act; and (b) wishes to move from one region to another or outside the country for the purpose of rendering services, may grant a letter authorising that person to render services as the Council may specify.
Registrar to determine application in sixty days	22. Notwithstanding any provision relating to an application which may be made under this Act, the Registrar shall determine any application submitted to him within sixty days and in the event that, an application is not determined, the Registrar shall give reasons for failure to determine the application.

De-registration,
removal etc from
Register

23. Where a traditional or alternative health practitioner who is registered provisionally, fully or temporarily under this Act is convicted of an offence or after due inquiry by the Council is found guilty of a professional misconduct, the Council may caution, censure a practitioner or order his suspension from practice for a period as it deems fit or direct the Registrar to de-register a practitioner from the Register.

Removal from
rolls

24.—(1) Where the Council is of the opinion that, a person enrolled under this Act has conducted himself in a manner inconsistent with the position as traditional or alternative health practitioner's aide, may caution, censure or suspend that person or de-register his name from the rolls.

(2) An enrolled person shall not be cautioned or censured or suspended or his name removed from the rolls unless he had first been afforded an opportunity to be heard before an *ad-hoc* Committee.

Reinstatement
and re-
registration

25.—(1) The Council may on its own motion or on the application of a practitioner or aide, whose name has been de-registered from the Register or rolls, reinstate the name of that person.

(2) Where the name of a person is reinstated in accordance with the provision of subsection (1), the Council may restore the registration or enrolment of a person and impose a period of supervision or any other conditions as may be necessary.

Council to give
reasons for its
decision

26.—(1) A decision of the Council in respect of de-registration, removal from the Register or rolls, caution, censure or suspension shall be stated and the reasons given to an extent which may be necessary to enable a person, in respect of whom a decision has been made, to understand the nature of the decision.

(2) A decision of the Council shall be notified or communicated to a person concerned by a registered post.

Appeal to
Minister

27. A traditional or alternative health practitioner who is aggrieved by a decision of the Council refusing registration may appeal to the Minister within thirty days from the date of notification.

Appeal to High
Court

28.—(1) A person who is aggrieved by a decision of the Minister may, within thirty days from the notification of the decision, or a further period as the High Court may allow, appeal to the High Court.

(2) An appeal referred to under subsection (1) shall be by way of a petition and a copy served on the Registrar and state facts and grounds in respect of which an appeal is preferred and be accompanied by a copy of a decision appealed against.

Non-adherence
to professional
ethics and
etiquettes

29. A person registered or enrolled under this Act shall be in breach of professional conduct and personal behaviour where-

- (a) he neglects or disregards professional responsibilities to patients in respect of their care and treatment;
- (b) he abuses professional privileges and skills;
- (c) his personal behaviours and conducts are derogatory to the reputation of the traditional and alternative health medicine;
- (d) he disparages his professional colleagues;
- (e) he associates in his work with unqualified persons; and
- (f) his conduct would amount to an offence against the law relating to the control of dangerous drugs.

Dangerous
practice

30. This Act shall not be construed as authorising any person to practice-

- (a) witchcraft; or
- (b) traditional or alternative health medicine, where that practice is or likely to be dangerous to health or life of another person.

PART V

RIGHTS AND DUTIES OF TRADITIONAL AND ALTERNATIVE HEALTH PRACTITIONERS

Registered
traditional and
alternative health
practitioner may
practice

31. A person registered under this Act as traditional or alternative health practitioner shall be entitled to engage in traditional and alternative health practice.

Right to claim
and sue for
services rendered

32. A person registered under this Act as traditional or alternative health practitioner shall be entitled to demand, sue for and recover in any court reasonable charges for professional aid, advice or visits and the value of any medicine rendered or supplied by him.

Entitlement of
persons enrolled
to practice

33. A person enrolled under this Act as a traditional or alternative health practitioner's aide shall be entitled to engage in traditional or alternative health practice under the supervision of a registered traditional or alternative health practitioner.

Transfers

34.—(1) Where circumstances demand, a traditional or alternative health practitioner shall make transfers to hospitals which are below the district level.

(2) Notwithstanding the provisions of subsection (1), the Minister shall in the regulations prescribe the mechanisms of transfer of patients from one traditional medicine facility by a traditional or alternative health practitioner to another facility.

Duty of
traditional and
alternative health
practitioner to
patients

35.—(1) It shall be the duty of a traditional or alternative health practitioner registered under this Act to attend and treat their patients with clear knowledge, skills and right attitude.

(2) A registered traditional or alternative health practitioner shall ensure that-

- (a) he is compatible with the traditional and alternative health profession;
- (b) his conduct does not amount to professional misconduct;

- (c) his conduct is commensurate to traditional and alternative health ethics and professional etiquettes;
- (d) he adheres to the secrecy and confidentiality aspects of his patients;
- (e) he transfers difficult cases to hospitals or other practitioners;
- (f) he has a good system of keeping records of cases attended by him; and
- (g) he observes cleanness of himself, appliances used and premises under which the service is rendered.

Prohibition to practice with unregistered persons

36.—(1) A person registered under this Act as a traditional or alternative health practitioner shall not allow, associate or otherwise cause a person who is not registered to practice as traditional or alternative health practitioner.

(2) Subsection (1) shall not apply to an aide.

PART VI

REGULATION OF TRADITIONAL AND ALTERNATIVE MEDICINE PRACTICE

Receipt of complaints by Registrar

37.—(1) The Registrar shall, on behalf of the Council, receive complaints against any traditional or alternative health practitioner or aide and present complaints to the Council.

(2) A complaint shall be accompanied by a statutory declaration made by a patient, a relative of a patient or any person acting on behalf of a complainant or by a person interested in the act or omission giving rise to a complaint.

(3) Notwithstanding the provisions of subsection (2), the Council may on its own motion initiate any preliminary inquiry on a traditional or alternative health practitioner or aide where it is satisfied that, information received by the Council warrants the holding of preliminary inquiry.

(4) Except for complaints made under subsection (3), an inquiry shall not proceed until a statutory declaration has been obtained.

Preliminary inquiry

38.—(1) Where the Registrar has received a complaint shall supply copies of the complaints and particulars to a traditional or alternative health practitioner or aide against whom a complaint is made.

(2) The Registrar shall require a traditional or alternative health practitioner against whom a complaint has been made to reply to the complaint.

Registrar to hold preliminary inquiry

39.—(1) Where the Registrar is satisfied that, a traditional or alternative health practitioner or an aide against whom a complaint has been filed has not offered sufficient explanation or the reply that would require the holding of an inquiry, shall conduct a preliminary inquiry.

(2) The Registrar shall, during the preliminary inquiry be accompanied by at least two traditional or alternative health practitioners not being members of the Council, to assist him to gather evidence.

(3) When the Registrar has completed preliminary inquiry, shall report to the Council, and the Council shall determine whether or not to hold the inquiry.

Where no *prima facie* case is established

40.—(1) Where the Council is of the opinion that, a *prima facie* case has not been made out against the traditional or alternative health practitioner or aide as the case may be, shall direct the Registrar to inform both parties of the Council's intention not to hold an inquiry.

(2) Notwithstanding the provision of subsection (1), the Council may re-conduct preliminary inquiry where fresh evidence has been availed before it.

Procedure for inquiry

41.—(1) Where the Council is of the opinion that, a *prima facie* case has been made out, shall direct that, an inquiry be held in which case, a formal charge shall be drawn by the Registrar or his Deputy.

(2) During the inquiry, the person against whom the inquiry is being conducted, shall be entitled to appear in person or by an advocate.

- (3) For the purpose of proceedings during the inquiry-
 - (a) the Chairman shall administer oaths; and
 - (b) the legal advisor shall-
 - (i) issue summons directing the parties to attend and give evidence;
 - (ii) present the case against the traditional or alternative health practitioner or aide; and
 - (iii) advise the Council on legal matters.

(4) The Council shall have power to make any order as to payment by any party of any costs or witness expenses as it may think fit and the order made shall be enforceable to the same extent and in the same manner as an order for costs made by the High Court.

(5) Subject to the rules of practice, Council shall regulate its procedure for the conduct of an inquiry.

Notification
and publication
of decision of
Council

42. As soon as practicable, after the conclusion of an inquiry, the Registrar shall serve notice of the determination of the Council on the traditional or alternative health practitioner or aide in respect of whom an inquiry was held.

Appeal against
decision of
Council

43. A person who is aggrieved by the decision of the Council in relation to an inquiry conducted pursuant to the provisions of this Act, may appeal to the High Court within thirty days from the date of the decision against which an appeal is preferred and the provisions of the Criminal Procedure Act, shall apply in respect thereof.

Cap. 20

Cap. 20

(2) Subject to provisions of the Criminal Procedure Act, a person aggrieved by the decision of the Minister may appeal to the High Court.

Conduct
derogatory to
traditional and
alternative health
profession

44. A conviction by a court of law against an aide or a traditional or alternative health practitioner in respect of an offence which relates to traditional or alternate health practice shall constitute a *prima facie* evidence that, an aide or a practitioner's conduct is derogatory to the reputation of the traditional and alternative health profession.

PART VII

OFFENCES AND PENALTIES

Offence for illegal
practising

45.—(1) A person who practices as a traditional health practitioner or aide without being registered or enrolled as the case may be under this Act, commits an offence and on conviction shall be liable to a fine of not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(2) A person who practices as an alternative health practitioner or aide without being registered or enrolled as the case may be under this Act, commits an offence and on conviction, shall be liable to a fine of not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(3) In addition to the penalty imposed in pursuance of subsection (1), and (2), the trial court may order that, any traditional medicine remedies or diagnostic instruments or appliances used by or belonging to or found in possession of a person convicted, be forfeited, destroyed or otherwise disposed of.

Offence for illegal
registration

46. A person who—

- (a) procures or attempts to procure registration or enrolment by;
 - (i) making or causing it to be made; or
 - (ii) producing any false or fraudulent statement or document;
- (b) deliberately makes or causes to be made any falsification in any matter relating to the Register or rolls;
- (c) assists or aids any person to commit any of the acts prescribed under this section,

commits an offence and on conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term of two years or to both.

Penalty for contravention of requirements and conditions for temporary registration

47.—(1) A person who contravenes the provisions of section 19 or 20, commits an offence and on conviction shall be liable to a fine not exceeding one million shillings or to imprisonment for a term of two years or to both.

(2) In addition to the penalty imposed under subsection (1), the trial court may order that, any traditional or alternative medicine remedies or diagnostic instruments or appliances used by or belonging to or found in possession of a person convicted, be forfeited, destroyed or otherwise disposed of.

General penalty

48. A person who—

- (a) willfully and falsely uses any name or title implying a qualification to practice as a traditional or alternative health practitioner; or
- (b) having been summoned by the Council fails—
 - (i) to attend without reasonable cause; or
 - (ii) without reasonable cause to produce any book or document which he is required to produce; or
- (c) refuses, without lawful excuse, to answer any question put to him in the cause of the proceedings of the Council; or
- (d) contravenes any other provisions of this Act,

commits an offence and on conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term of one year or to both.

PART VIII FINANCIAL PROVISIONS

Funds of Council

49.—(1) The funds and resources of the Council shall consist of—

- (a) the sums of money as may be appropriated by the Parliament;
- (b) fees payable under this Act;
- (c) donations, grants, bequeaths or loans as the Council may receive from any person or organisation; and
- (d) any other moneys legally acquired.

(2) The funds and resources of the Council shall be applied for the purposes for which the Council is established and in accordance with the directions of the Council.

(3) The Registrar shall keep proper audited accounts and other records relating to or in respect of the funds and resources of the Council.

Estimates

50.—(1) The Registrar shall, within a period of three months before the end of each financial year, prepare and submit to the Council for approval, estimates of income and expenditure of the Council for the next ensuing financial year.

(2) Upon approval of estimates by the Council, the Registrar shall forward the estimates to the Minister for approval with or without variation.

(3) An expenditure shall not be made out of funds of the Council unless the expenditure has been approved by the Council.

Management of Council's funds

51. Management of Council's funds shall be in accordance with the Financial Management Manual approved by the Council.

Remuneration of members of Council

52.—(1) Members of the Council and the Secretariat shall be paid allowances from the funds of the Council as the Council may determine.

(2) In determining the allowances, the Council shall make provisions for reimbursement of any expenses incurred in connection with the business of the Council.

PART IX GENERAL PROVISIONS

Indemnity of members of Council, Committees, Registrar and other staff

53. An act done or omitted to be done by the Council, Standing Committees or *ad-hoc* Committee, the Registrar or any other person empowered to perform any function under this Act shall not render a member of the Council, Standing Committees or *ad-hoc* Committee, the Registrar or any other

person, personally liable for the matter or thing concerned, if done or omitted to be done in good faith during or in the exercise or purported performance of any function provided under this Act.

Seal of Council

54–(1) The Council shall have a seal to be kept under the custody of the Registrar.

(2) The affixing of the Seal of the Council on any document shall be authenticated by the signature of the Chairman and the Registrar.

(3) A document purporting to be an instrument issued by the Council and authenticated in the manner provided for under subsection (2), shall be deemed to be a valid instrument and admissible in evidence.

Minister may
make Regulations

55.–(1) The Minister may make Regulations generally for the better carrying out of the provisions of this Act.

(2) Notwithstanding the provisions of subsection (1), the Minister may make Regulations to–

- (a) regulate the practice of traditional and alternative health;
- (b) prescribe ethics and standards of conduct for the traditional and alternative health practitioners or aides;
- (c) amend or vary any Schedule to this Act;
- (d) regulate the sale and storage of traditional and alternative medicine remedies;
- (e) prohibit or restrict the use or sale of any traditional or alternative medicine remedy;
- (f) establish or strengthen the national medicinal plants databank or compendiums;
- (g) prepare the national approved list of medicinal plants;
- (h) regulate the manufacture, importation, exportation distribution and labeling of traditional medicines remedy and other related products;
- (i) provide regulations for registration of traditional and alternative remedies, methods and equipment;

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- (j) provide regulations and prescribe guidelines on matters related to formal training of traditional medicine knowledge;
- (k) provide for use of titles, descriptions, abbreviations and dosages;
- (l) subject to the provisions of the Patents (Registration) Act, provide for matters related to patenting of traditional medicine inventions;
- (m) prescribing qualifications, which shall be recognised as entitling the holder to registration or enrolment under this Act;
- (n) prescribing the conduct of *ad-hoc* Committees; and
- (o) prescribing anything which, in the opinion of the Minister, is incidental or conducive to the exercise of the functions and powers of the Council, the Committee or Minister as provided for under this Act.

FIRST SCHEDULE

(*Made under section 5(6)*)

PROCEDURES OF THE MEETINGS

Meeting of
Council

1.-(1) The Council shall ordinarily meet at times and places as it deems necessary for the transaction of its business, but shall meet at least once every three months.

(2) The Chairman or in his absence, the Vice Chairman, may at any time call an extra-ordinary meeting of the Council, upon a written request by a majority of the members in office.

(3) The Chairman, or in his absence the Vice Chairman, shall preside at every meeting of the Council and in the absence of both, the members present shall appoint a member from amongst themselves to preside over the meeting.

Absent members
to be represented

2. Where a member of the Council who is a member by virtue of his office is unable for any reason to attend the meeting of the Council, he may nominate another person from his organisation to represent him in the meeting.

Quorum

3. The quorum at the meeting of the Council shall be half the members in office.

Decision of Council	<p>4.-(1) Subject to subparagraph (2), matters proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, in the event of an equality of votes, the Chairman or person presiding over the meeting shall have a casting vote in addition to his deliberative vote.</p> <p>(2) A decision may be made by the Council without a meeting by circulation of the relevant papers among the members and the expression of the views of the members in writing, but a member may require that, the decision be deferred and the matter be considered at a meeting of the Council.</p>
Minutes of meetings	5. The Registrar shall record and keep minutes of business conducted or transacted at the meeting and the minutes of each meeting of the Council shall be read and confirmed or amended and confirmed at the next meeting of the Council and signed by the Chairman or person presiding over the meeting and the Secretary.
Vacancies etc, not to invalidate proceedings	6. The validity of any act or proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any one of them.
Council may regulate its own proceedings	7. Subject to the provisions of this Schedule, the Council may regulate its own proceedings.
Proof of documents	8. A document purporting to be under the hand of the Registrar as to any resolution of the Council or as having been issued on behalf of the Council, shall be receivable in courts or tribunals or other bodies authorised to receive evidence and unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained therein.

SECOND SCHEDULE

(Made under section 8(2))

COMPOSITION AND PROCEEDINGS OF THE STANDING COMMITTEES

Composition of Academic Committee	<p>1. The Academic Committee shall be consisted of the following members-</p> <ul style="list-style-type: none"> (a) the Chairman; (b) a member from the Ministry of Science, Technology and Higher Education; (c) a member from the Institute of Traditional Medicine; (d) a member qualified in alternative medicine; (e) two members qualified as traditional health practitioners;
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- (f) a member from the Traditional Medicine Unit;
- (g) a member from the Ministry of Education and Culture; and
- (h) a member from the Ministry's Training Department.

Composition
of Professional
conduct
Committee

2.-(1) The Professional Conduct Committee shall be consisted of the following members-

- (a) the Chairman;
- (b) three members qualified as traditional health practitioners;
- (c) two members qualified as alternative health practitioners;
- (d) a legally qualified person from the Office of the Attorney General;
- (e) a traditional birth attendant; and
- (f) a member from the Traditional Medicine Unit.

(2) The committee may co-opt any person to attend its meetings but a person shall not take part in any decision reached by the Committee.

Composition of
Research and
Development
Committee

3. The Research and Development Committee shall be consisted of the following members-

- (a) the Chairman;
- (b) a member qualified as a traditional health practitioner;
- (c) a member qualified as an alternative health practitioner;
- (d) a member qualified as a traditional birth attendant;
- (e) a member from the Botany Department of the University of Dar es Salaam;
- (f) three members from the Traditional Medicine Institute;
- (g) a member from the National Institute for Medical Research;
- (h) a member from the Commission for Science and Technology;
- (i) a member from the Traditional Medicine Unit;
- (j) a member from the Authority responsible for food, drugs, cosmetics and medical devices; and
- (k) a member from a pharmaceutical industry.

Functions of
committees

4.-(1) The functions of the Academic Committee shall be to-

- (a) determine the category of formal training in traditional and alternative medicine;
- (b) identify and approve training institutions for traditional and alternative medicine;
- (c) acknowledge the training curricula for traditional and alternative medicine;
- (d) scrutinize, regulate, approve, monitor and evaluate the implementation of curricula of traditional and alternative medicine; and
- (e) make report to the Council.

(2) The functions of the Professional Conduct Committee shall be to-

- (a) promote the maintenance and enforcement of professional traditional and alternative medicine ethics;

- (b) discuss issues related to misconduct, limitations, offences and recommend to the Council for appropriate action, and
- (c) report to the Council.

(3) The functions of the Research and Development committee shall be to-

- (a) promote science and technology of material aspects of traditional and alternative medicine;
- (b) coordinate research, utilisation and information on medicinal plants and other *materia medica*;
- (c) develop guidelines and standards for traditional and alternative medicines research;
- (d) recommend the production and utilisation of useful medicinal plants and other *materia medica*;
- (e) set standards for remedies, alternative medicines equipment, instruments and machineries;
- (f) establish data bank on researched and community based medicinal plants and other *materia medica*;
- (g) liaise with local and international researchers on efficacy, safety and quality of medicinal plants and other *materia medica*;
- (h) liaise with local and external industries on issues relating to the production of herbal medicines and other *materia medica*; and
- (i) report to the Council.

Tenure of office

5.-(1) The Council shall appoint members of the Standing Committees.

(2) A member shall, unless his appointment is sooner terminated by the Council or he ceases in any other way to be a member, hold office for a period of three years but shall be eligible for reappointment.

(3) A member appointed by virtue of his office shall cease to be a member upon ceasing to hold the office.

(4) The Committee may co-opt any person to attend its meetings but a person shall not take part in any decision reached by the Committee.

Appointment of
Chairmen and
Vice Chairmen

6.-(1) The Chairmen for the Committees shall be selected by the Council from amongst its members.

(2) The Vice Chairmen shall be selected by the respective Committees from amongst its members.

Meetings

7.-(1) The Committee shall ordinarily meet at times and places as it deems necessary for transaction of its business, once after every three months.

(2) The Chairman or in his absence, the Vice Chairman may at any time call an extra-ordinary meeting upon a written request by a majority of the members in office.

(3) The Chairman or in his absence, the Vice Chairman, shall preside at every meeting of the Committee and in their absence, the members

	present, shall appoint a member from amongst themselves to preside over the meeting.
Quorum	8. The quorum at any meetings of the Committees shall be half of the members in office.
Decision of the Committees	9. Matters proposed at the meeting of the Committees shall be decided by a majority of votes of members present and voting and in the event of an equality of votes, the Chairman or a person presiding over the meeting shall have a casting vote in addition to his deliberative vote.
Minutes of meetings	10. —(1) The Registrar shall record and keep minutes of business conducted or transacted at the meetings and the minutes of each meeting shall be read and confirmed or amended and confirmed at the next meeting and be signed by the Chairman or person presided over the meeting and the Secretary. (2) Minutes purporting to be signed by the Chairman or person presiding over the meeting and the Secretary shall in the absence of proof of error be deemed to be a correct record of the meeting whose minutes they purport to be.
Committees may regulate their own proceeding	11. Subject to the provisions of this Schedule, the Committees may regulate their own proceedings.

THIRD SCHEDULE

(Made under section 5(7))

REGULATION OF TRADITIONAL MEDICINE REMEDIES, HERBAL MEDICINE AND ALTERNATIVE MEDICINE REMEDIES

1. The Council shall, for the purpose of better carrying out of the provisions of this Act—

- (a) regulate alternative medicine remedies, methods and appliances;
- (b) regulate traditional medicine remedies in order to—
 - (i) regulate local marketing of traditional remedies;
 - (ii) guarantee safe use by the population; and
 - (iii) ensure that, the sale of remedies is not done outside a region under which he practices without approval of the Council;
- (c) regulate herbal medicines and other traditional medicine practices;
- (d) enforce registration of traditional and alternative medicine facilities;

- (e) regulate importation and exportation of traditional medicine remedies, herbal medicine and alternative medicine remedies;
- (f) to protect medicinal plants grown within the country;
- (g) to manage traditional medicine remedies at the practitioner's level; and
- (h) to provide for sustainable management, utilisation and development of material medical used in traditional medicine, mostly plants.

Other activities 2.-(1) The Council may regulate any other activities related to the regulation of traditional medicines.

(2) The Minister may charge fees and charges as he deems fit, for various services rendered under this Act.
