

## New Zealand.



### ANALYSIS.

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### 1904, No. 57.

Title. AN ACT to provide for the Registration of Dentists qualified to practise, and for the Regulation of the Practice of Dentistry in New Zealand. [8th November, 1904.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. The Short Title of this Act is "The Dentists Act, 1904"; and it shall come into force on the tenth day of January, one thousand nine hundred and five.

Interpretation. 2. In this Act, if not inconsistent with the context,—  
 "Senate" means the Senate of the University of New Zealand;  
 "Minister" means the Responsible Minister of the Crown for the time being administering this Act;  
 "Dentist" means a person registered under this Act;  
 "Medical practitioner" means a medical practitioner duly registered under the law in force for the time being in New Zealand relating to medical practitioners:

“Registrar” means the Registrar-General of Births, Deaths, and Marriages.

*Registration.*

3. (1.) The Registrar shall keep in his office a book called the “Dentists’ Register,” in which shall be inserted the names, residences, and qualifications of all persons registered under this Act, which book is referred to herein as the “register.” Dentists’ Register

(2.) Every person whose name is entered in the Dentists’ Register under “The Dentists Act, 1880,” at the coming into operation of this Act shall be registered under this Act without application or payment of fees, and until a register has been compiled under this Act the register under that Act shall be the register under this Act.

4. Registration shall be effected by the entry in the register of the name, residence, and qualifications of any person entitled or claiming to be registered. Registration,  
how effected.

5. On application made to him at any time for that purpose by any registered dentist, the Registrar shall issue to such applicant a certificate of registration. Certificate to issue.

6. The Dentists’ Register shall be open to inspection by the public. Public may inspect.

7. The Registrar shall from time to time erase the names of all registered persons who shall have died, and shall from time to time make the necessary alterations in the addresses of the persons registered under this Act. Registrar to purge  
register.

8. (1.) A copy of the register, certified by the Registrar to be a true copy, shall, in the month of December in each year, be sent to the Colonial Secretary, and shall by him be published in the *Gazette*. Publication of  
register.

(2.) A copy of the *Gazette* containing such publication shall be evidence for all purposes that the persons therein specified are registered according to the provisions of this Act: Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of the person shall be evidence that such person is registered.

9. Every dentist who obtains any higher degree, diploma, status, or any qualification other than the qualification in respect of which he is registered shall be entitled to have such higher degree, diploma, status, or additional qualification inserted in the register on payment of the prescribed fee. Register may be  
altered to insert  
new or additional  
qualifications.

10. Every adult person is entitled, on application to the Registrar and on payment of the prescribed fee, to be registered as a dentist who— Qualifications for  
registration.

(a.) Is registered or is entitled to be registered in the United Kingdom in accordance with the law for the time being in force therein as a dentist or medical practitioner; or

(b.) Is the holder of a degree in dental surgery of the University of New Zealand, or has gone through such course of study and professional practice and training, passed such examinations, and obtained from the Senate such certificate of proficiency in dental surgery or dentistry as the Senate by regulations prescribes; or

- (c.) Is entitled, in accordance with the provisions of this Act, to be registered as a foreign or colonial dentist; or
- (d.) Satisfies the Registrar that he has been engaged other than as an apprentice or pupil in New Zealand for a period of not less than three years immediately preceding the passing of this Act in the work of extracting, stopping, and otherwise treating natural teeth, and of fitting and adjusting artificial teeth, and who for the last three months of such period has been so engaged as a principal:

Provided that this subsection shall not apply to any person who has been engaged in the work of extracting teeth only:

Provided also that no application under this subsection made after the first day of January, one thousand nine hundred and five, shall be entertained.

Rights of present students preserved.

11. (1.) Notwithstanding anything in this Act, any person who either—

- (a.) Is, at the time of the passing of this Act, a *bona fide* apprentice or pupil of a person registered under "The Dentists Act, 1880," or of one or more such persons; or
- (b.) Has, prior to the time of the passing of this Act, been for at least three consecutive years a *bona fide* apprentice or pupil of a person registered under "The Dentists Act, 1880," or of one or more such persons, and has been continuously and wholly engaged during that period in studying the theory and practice of dentistry or dental surgery,

shall be entitled to be examined by a Board of Examiners appointed in accordance with the law as it existed immediately prior to the commencement of this Act, and to be granted a certificate by such Board and registered as a dentist upon passing such examinations and fulfilling such other conditions as would if this Act had not been passed have entitled him to such certificate and to be so registered:

Provided that such Board may in special cases recognise the apprenticeship or pupilage of any such person, notwithstanding that the three years of his apprenticeship and pupilage may not have been consecutive, or his period of study continuous.

(2.) For the purposes of this section the Acts hereby repealed shall remain in full force as if this Act had not been passed, save as modified by the proviso to the last preceding subsection; but no application for registration in pursuance of this section made after the first day of January, one thousand nine hundred and ten, shall be entertained.

Colonial dentists.

12. Any person showing that he holds some recognised certificate as hereinafter defined granted in a British possession, and that he is of good character, shall upon payment of the fees be entitled, without examination, to be registered under this Act.

Foreign dentists.

13. Any person showing that he holds some recognised certificate as hereinafter defined granted in a foreign country, and that he is of good character, and either continues to hold such certificate or has not been deprived thereof for any cause which disqualifies

him for being registered under this Act, shall upon payment of the fees be entitled, without examination, to be registered under this Act.

14. The certificate granted in a British possession or in a foreign country which is to be deemed such a recognised certificate as is required for the purposes of this Act shall be such certificate, diploma, membership, degree, license, letters, testimonials, or other title, status, or document as may be recognised by the Senate as entitling the holder thereof to practise dentistry or dental surgery in such possession or country, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery.

Colonial and foreign recognised certificates.

15. (1.) The Senate may from time to time, subject to the approval of the Governor in Council, make regulations specifying what certificates, diplomas, memberships, degrees, licenses, letters, testimonials, or other titles, status, or documents granted in a British possession or in a foreign country shall be recognised by the Senate as qualifying persons holding them or any of them to be registered.

Regulations with respect to recognised certificates.

(2.) The Senate may, when any person makes application to be registered in respect of any certificate, diploma, membership, degree, license, letters, testimonials, or other title, status, or document not specified in such regulations, entertain such application and deal with it specially, and may if the Senate thinks fit give to such applicant a certificate of recognition setting forth that he is the holder of a recognised certificate, and the Registrar shall accept such certificate of recognition as an authority to register such applicant.

Senate may deal with application for registration specially.

(3.) Where any person who is the holder of a degree, diploma, license, or certificate entitling him to practise in a British possession or in a foreign country, and which has been obtained after a course in dentistry of not less than three years, is refused a certificate of recognition under the last preceding subsection, and such person within twenty-one days after such refusal applies in writing to the Chancellor of the University of New Zealand for an examination in dentistry, the Chancellor shall thereupon appoint a time and place for the examination of such person in accordance with regulations under this Act, and such examination shall take place within three months after the receipt of such application; and if such person duly passes such examination he shall be entitled to a certificate of recognition, which shall be accepted by the Registrar as an authority to register such person.

16. The Registrar may examine any person who applies to be registered, and any person whom he may deem capable of giving evidence respecting such applicant, and may conduct any such examination upon oath, and for such purpose may administer oaths; and he may decline to register such applicant if for any reason he is of opinion that such applicant is not entitled to be registered:

Applicant or witness may be examined on oath, and Registrar may decline to register.

Provided that any person whose application has been refused under this section may appeal to a Judge of the Supreme Court on summons; and such Judge may either order the Registrar to register such applicant or may support the Registrar's decision, and may in his discretion award costs against the Registrar or against the said applicant.

Right of appeal.

Penalty for fraudulently obtaining registration.

17. Every person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, is liable to twelve months' imprisonment.

Names of persons guilty of certain offences may be erased from the register.

18. (1.) If any person has procured himself to be registered by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, or if any person not entitled to be registered has been registered, the Registrar shall erase the name of any such person from the register.

(2.) If any dentist is convicted in New Zealand or elsewhere of any offence which in the opinion of the Minister renders him unfit to be on the register, the Minister may order the name of such person to be erased from the register.

(3.) Every erasure from the register under this section shall be notified by the Registrar in the *Gazette*.

#### *Effect of Registration.*

Privileges of registered persons.

19. Every person registered under this Act and every medical practitioner shall be entitled to practise dental surgery and dentistry in any part of New Zealand, and to sue in any competent Court for the recovery of his fees or other remuneration for his professional services in dentistry, or in the performance of any dental operation, or for any dental attendance or advice.

Disabilities of unregistered persons.

20. From and after the coming into operation of this Act, no person other than a medical practitioner or a dentist shall hold any appointment as a dentist, or dental practitioner, or dental surgeon in any hospital, infirmary, dispensary, or in any lunatic asylum, gaol, or in any institution receiving financial aid from the Government or licensed under any Act; or be entitled to recover any fee or charge in any Court of law for the performance of any dental operation, or for any dental attendance or advice: Provided that a person who practises as an extractor of teeth only shall not be deemed to perform dental operations within the meaning of this section.

Registration compulsory.

21. (1.) From and after the coming into operation of this Act, no person other than a person registered under this Act or other than a medical practitioner shall, nor shall any company or association (other than an association consisting wholly of dentists), take or use or by inference adopt the name, title, word, letters, addition, or description of "dentist," or "dental practitioner," or "dental surgeon," or "surgeon dentist," or use or have attached to or exhibited at his or its place of business or residence (either alone or in combination with any other word, or words, or letters) the words "dental company," or "dental institute," or "dental hospital," or "dental college," or "college or school of dentistry," or "mechanical dentist," or any name, title, word, letters, addition, or description implying or tending to the belief that he or such company or association is registered under this Act, is qualified to practise dentistry, or is carrying on the practice of dentistry, or is entitled to or to use such name, title, word, letters, addition, or description:

Provided that, with respect to any association which has carried on the practice of dentistry for a period of not less than three months immediately preceding the passing of this Act, the persons who have been members of such association during such period shall be permitted, though not registered as dentists, to continue as members thereof after the passing of this Act, but no other persons except dentists shall be so permitted; and such association may continue to practise as aforesaid after the passing of this Act, but no dental operations shall be performed by any member of such association who is not a dentist, or by any person other than a dentist on behalf of such association.

(2.) In the case of an association carrying on the practice of dentistry, the names of the dentists forming such association shall be legibly and conspicuously affixed outside the premises where the association is practising.

(3.) Every person, company, or association guilty of a breach of this section is liable to a fine not exceeding twenty pounds for every such offence, and after any conviction for any such offence shall be liable to a further penalty of five pounds for every day during which such breach is continued. Penalty.

22. No dentist shall permit any unregistered person to carry on the practice of dentistry in his name, or, except under his immediate supervision, to perform any dental operation on the premises where such dentist is practising, or elsewhere on his behalf. Every dentist who permits any breach of this section, and every unregistered person who practises or performs a dental operation in breach of this section, is liable to a fine not exceeding twenty pounds. Provision respecting unregistered persons practising.

#### *Miscellaneous.*

23. No dentist shall be liable while in actual practice to serve on any jury, and "The Juries Act, 1880," is hereby modified accordingly. Dentists exempt from serving on juries.

24. The Senate may, with the consent and approval of the Governor in Council, make regulations— Regulations.

- (a.) Prescribing the course of study, professional practice and training, and examination of persons desiring to obtain certificates of proficiency in dental surgery or dentistry, and the form of such certificates;
- (b.) Fixing a scale of fees in respect of certificates of proficiency and the examinations therefor;
- (c.) Providing for the examination of persons who are refused certificates of recognition by the Senate;
- (d.) Providing for the registration of dental students; and
- (e.) Generally for carrying into effect the objects of this Act.

25. All regulations made under this Act shall be published in the *Gazette*. Regulations to be gazetted.

#### *Fees.*

26. (1.) The Registrar shall take and receive the under-mentioned fees:— Fees.

On application	....	....	One pound.
Certificate of registration	....	....	Five shillings.
Any alteration of register	....	....	Five shillings.
Inspection of register	....	....	Two shillings.

Fees to form part  
of Consolidated  
Fund.  
Repeal.

(2.) All such fees shall be paid into the Public Account, and shall form part of the Consolidated Fund.

27. (1.) "The Dentists Act, 1880," "The Dentists Act 1880 Amendment Act, 1881," and "The Dentists Act Amendment Act, 1891," are hereby repealed, except for the purposes of section eleven hereof.

(2.) Such repeal shall not affect any registrations effected, or proceedings, acts, matters, and things done or commenced under the repealed enactments, or any of them, before the coming into operation of this Act.

Act not to come  
into operation  
under certain  
circumstances.

28. Notwithstanding anything in this Act, if the number of those who satisfy the Registrar that they are entitled to the benefit of subsection (d) of section ten hereof exceeds twenty this Act shall not come into operation.