

New Zealand.



**MEDICAL.**

**1908, No. 116.**

AN ACT to consolidate certain Enactments of the General Assembly relating to the Registration of Medical Practitioners and the Practice of Anatomy.

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

Short Title.  
Enactments  
consolidated

1. (1.) The Short Title of this Act is "The Medical Act, 1908."

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:—

Savings.

(a.) All appointments, licenses, regulations, rules, Orders in Council, orders, registers, registrations, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(3.) This Act is divided into Parts, as follows:—

PART I.—Registration of Medical Practitioners. (Sections 3 to 23.)

PART II.—The Practice of Anatomy. (Sections 24 to 41.)

Interpretation.  
1869, No. 51, sec. 4

2. In this Act, if not inconsistent with the context,—

"Medical practitioner" means a person registered under this Act; and includes the words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any

words importing a person recognised by law as a medical practitioner or member of the medical profession when used in any Act in force in New Zealand :

“Registration” and “registered” respectively mean registration under this Act and registered under this Act :

“Registrar-General” means the Registrar-General of Births and Deaths :

“Registrar” means the Registrar of Births and Deaths whose office is nearest to the place of residence of the person applying to be registered or otherwise concerned.

PART I.

REGISTRATION OF MEDICAL PRACTITIONERS.

3. (1.) The Registrar-General shall keep in his office a register in which shall be inserted the names, qualifications, and residences of all persons who are registered under this Act, and the date of such registration; and each Registrar in the Towns of Auckland, New Plymouth, Napier, Nelson, Hokitika, Picton, Christchurch, Dunedin, and Invercargill shall keep a similar register for the registration of persons who may find it more convenient to apply to such Registrars.

Registrars,  
1869, No. 51, sec. 5

(2.) Each such Registrar shall, immediately on the registration of any person in his register, forward a copy of the entry thereof to the Registrar-General, and shall also from time to time acquaint the Registrar-General with any erasure in or alteration of his register.

4. On application made to him at any time for that purpose by any medical practitioner the Registrar-General or Registrar, as the case may be, shall issue to such applicant a certificate of registration.

Certificate of registration.  
Ibid, sec. 6

5. All such registers as aforesaid shall be open to inspection by the public.

Registers open to inspection.  
Ibid, sec. 7

6. The Registrar-General or Registrar may examine any person applying to be registered as hereinafter provided, and any opponent, and any witness who may be produced by either party; and may require any statement to be made on oath, and for that purpose may administer oaths; and, if satisfied that such applicant is qualified to be registered under this Act, shall enter his name and other particulars in the register as herein provided :

Registrar to act judicially.  
Ibid, sec. 8

Provided that the Registrar may, if he thinks fit, in any case abstain from entering the name of any applicant, and the particulars of his qualifications, until after he has transmitted (which he is hereby required to do without delay) a copy of the same, and the evidence (if any) taken by him thereon, to the Registrar-General and received his direction thereon.

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

Register to be corrected.  
Ibid, sec. 9

8. Every person registered who after such registration has obtained any higher degree or any qualification other than the qualification in respect of which he is registered may have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered.

Qualification in register may be altered.  
Ibid, sec. 10

Register to be published.  
1869, No. 51, sec. 11

9. (1.) A true copy of the register, certified by the Registrar-General to be a true copy, shall in the month of December in each year be sent to the Minister of Internal Affairs, and shall by him be published in the *Gazette*.

(2.) Any copy of the register so published shall be evidence in all Courts of law, and before all Magistrates and Justices and others, 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-General or Registrar of the entry of the name of such person on the register shall be evidence that such person is registered.

(3.) The absence of a person's name from the register shall, until the contrary is shown, be sufficient evidence that such person is not registered.

Qualification for registration.  
1905, No. 31, sec. 2

10. (1.) Every person who possesses any of the qualifications mentioned in the Second Schedule hereto is entitled to be registered as a medical practitioner under this Act.

(2.) Where a medical graduate of a foreign university whose diploma is not recognised by the Governor in Council presents himself for the final examination of the New Zealand University, and satisfies the examiners of his proficiency and qualifications, he shall be entitled to registration.

Applicant to give notice of application.  
1869, No. 51, sec. 13

11. Any person desiring to be registered shall give notice of his intention to apply for that purpose to the Registrar-General or Registrar, and shall state in such notice his residence, qualification, and date of his intended application, and that his diploma or other evidence of qualification is deposited for public inspection in the office of the Registrar-General or Registrar, as the case may be, and shall affix to such notice his name in full.

Publication of notice.  
*Ibid*, sec. 14

12. The diploma or other evidence of qualification shall be produced to the Registrar, and a copy thereof certified by a Justice shall be deposited as stated in the notice, and such notice shall be published in a newspaper circulating near the place of the applicant's residence at least one month before the date of his application, and in the *Gazette*.

Appeal  
*Ibid*, sec. 15

13. If any such applicant as aforesaid, or any person objecting and appearing before the Registrar-General or Registrar, is dissatisfied with the decision of the Registrar-General or Registrar, he may by motion in the Supreme Court apply to such Court for an order to the Registrar-General or Registrar, and the Court may order that the person applying shall be registered, or that he shall be registered conditionally or upon terms, or may decline to make such or any order, and with or without costs; and the Court may in such case, and in any other motion for the rectification of the Registrar, make such order with or without costs as it thinks fit.

Fees to be taken;  
*Ibid*, sec. 16

14. The Registrar-General or Registrar shall take and receive the undermentioned fees:—

	£	s.	d.
On deposit of diploma or other evidence of qualification .. .. .	1	0	0
Certificate of registration .. .. .	0	5	0
Alteration of qualification in register .. .. .	0	10	0
Any other alteration of register .. .. .	0	5	0
Inspection of register .. .. .	0	2	0

15. All fees received under this Part of this Act shall be paid into the Public Account and form part of the Consolidated Fund.

And paid into Public Account. 1869, No. 51, sec. 17  
Registered person may sue for fees. Ibid, sec. 18

16. Every registered person shall be entitled to sue in any Court of law in New Zealand to the extent of the jurisdiction of such Court for the recovery of his fees or other remuneration for his professional services, whether medical or surgical.

17. No person shall be entitled to recover any charge in any Court of law in New Zealand for any medical or surgical advice or attendance, or for the performance of any operation, or for any medicine which he has both prescribed and supplied unless he proves on the trial that he is registered.

Unregistered person not to be entitled to recover fees, &c. Ibid, sec. 19

18. No person unless registered shall hold any appointment as a physician, surgeon, or other medical officer in any hospital, infirmary, dispensary, or lying-in hospital, or in any lunatic asylum, prison, penitentiary, house of correction, or other institution supported wholly or in part by public funds for affording medical relief in sickness, infirmity, or old age, or as a medical officer of health; and no certificate required by any Act now or hereafter in force to be signed by any physician, surgeon, licentiate in medicine or surgery, or other medical practitioner shall be valid unless the person signing the same is registered:

No unregistered person to hold any public medical appointment. Ibid, sec. 20

Provided that nothing in this Act shall render invalid any such certificate from a duly appointed medical officer of any of His Majesty's land or sea forces in full pay, although such officer may not be registered under this Act.

19. 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 by writing, or if any person not entitled to be registered has been registered, or if any registered person is or has been convicted on indictment of any crime in Great Britain or Ireland, or in any of the British dominions, the Registrar-General and Registrar respectively shall erase the name of such person from the register, and such erasure shall be notified by the Registrar-General in the *Gazette*.

Names of registered persons guilty of certain offences may be erased from register. Ibid, sec. 21

20. Notwithstanding anything in the last preceding section, the name of any person who has obtained registration through fraud or misrepresentation, or whose qualification has been withdrawn or cancelled by the college or university of which he is a member or by the General Medical Council of the United Kingdom, may be removed from the register by the Supreme Court upon application made in that behalf by the president of the British Medical Association of New Zealand or his deputy.

When name of person may be removed from register. 1905, No. 31, sec. 3

21. Nothing in this Act shall extend or be construed to extend to prejudice or in any way to affect the lawful occupation, trade, or business of chemists, druggists, and dentists.

Act not to affect chemists, &c. 1869, No. 51, sec. 22

22. Every person who wilfully and falsely pretends to be, or takes or uses the name or title of, a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner, or apothecary, or any name, title, addition, or description implying that he is registered or that he is recognised by law as a physician or surgeon, or licentiate in medicine and surgery, or a practitioner in medicine, or an apothecary, is liable to a fine not exceeding fifty pounds, to be recovered in a summary way.

Persons unregistered using medical titles. Ibid, sec. 23.

Persons fraudulently procuring themselves to be registered or forging certificates.

1869 No. 51, sec. 24

23. Every person who fraudulently or by false representations procures himself to be registered as a medical practitioner, or forges, alters, or counterfeits any such certificate, or utters or uses any such forged, altered, or counterfeited certificate, knowing the same to have been forged, altered, or counterfeited, or falsely advertises or publishes himself as having been registered as a medical practitioner, is liable on indictment to imprisonment with or without hard labour for any term not exceeding three years.

## PART II.

### THE PRACTICE OF ANATOMY.

Interpretation.  
1875, No. 42, sec. 2

24. In this Part of this Act, if not inconsistent with the context,—

“Body” means a dead human body :

“Teacher of medicine” means and includes any medical practitioner who is employed or engaged as a professor of medicine or surgery in any school of anatomy established under this Act.

Governor in Council to authorise establishment of schools of anatomy.  
Ibid, sec. 3

25. The Governor in Council may from time to time authorise the establishment of schools of anatomy where the study and practice of anatomy may be carried on in connection with any university or school of medicine, in such place or places and upon such conditions as he thinks fit, and may at any time revoke such authority.

Governor in Council to grant licenses to practise anatomy.  
Ibid, sec. 4

26. (1.) The Governor in Council may grant a license to practise anatomy to any medical practitioner who is engaged at a school of anatomy established under this Act as a teacher of medicine in such school, on application from any such person for such purpose, countersigned by two Justices residing at or nearest the place where such person resides, certifying to their knowledge or belief that the person so applying is about to carry on the practice of anatomy.

(2.) Every person on obtaining such license as aforesaid shall pay the sum of five pounds five shillings to the Treasurer or Secretary of the school of anatomy where he intends to practise, for its support and maintenance.

(3.) No person shall receive or have in his possession for anatomical examination, or for examining anatomically, any body, unless he has obtained such license aforesaid.

(4.) Every such license shall state the school at which it shall be lawful for the licensee to practise anatomy.

Governor in Council to appoint Inspectors of schools of anatomy.  
Ibid, sec. 5

27. (1.) The Governor in Council may from time to time appoint one or more Inspectors for every such school, and direct in what manner such Inspectors shall transact the duties of their office.

(2.) Every such Inspector shall continue in office for one year, or until he is removed by the Governor in Council, or until some other person is appointed in his place.

(3.) As often as any such Inspector dies or is removed from office, or refuses or becomes unable to act, the Governor in Council may appoint another person to be Inspector in his stead.

Inspectors to make returns of subjects received for anatomical examination.  
Ibid, sec. 6

28. Every Inspector of a school of anatomy shall make a quarterly return to the Minister of Internal Affairs of all bodies that during the preceding quarter have been removed for anatomical examination to

such school, or that may have been removed to any other place under the provisions of section thirty-four hereof, distinguishing the sex and, as far as is known at the time, the name and age of each person whose body was so removed as aforesaid.

29. The Inspector may visit and inspect at any time the school of anatomy for which he is appointed Inspector.

And to inspect school.  
1875, No. 42, sec. 7  
Allowance to Inspector.  
Ibid, sec. 8

30. Every such Inspector shall receive such an allowance by way of remuneration for his trouble as the Governor thinks fit, such allowance to be payable out of moneys appropriated by Parliament from the Consolidated Fund.

31. (1.) Any person having lawful possession of a body, and not being an undertaker or other person intrusted with the body for the purpose only of interment, may permit the body to undergo anatomical examination, unless to the knowledge of such first-mentioned person the deceased has expressed his desire, either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death should not undergo such examination, or unless the surviving husband or wife, or any known relative of the deceased requires the body to be interred without such examination.

Persons having lawful custody of bodies may permit them to undergo anatomical examination in certain cases.  
Ibid, sec. 9  
1884, No. 17, sec 2

(2.) Without affecting the generality of the foregoing provision it is hereby declared that for the purposes of this Part of this Act the following persons shall be persons having the lawful possession of bodies as herein mentioned, that is to say :—

- (a.) The surgeon of any hospital, the keeper of any lunatic asylum, and the keeper of any prison, in respect of the body of any person who dies in such hospital, asylum, or prison :
- (b.) The keeper of any asylum or public establishment wherein destitute persons are housed, in respect of the body of any person who dies therein :
- (c.) Any officer of police, in respect of any body of which he has undertaken the charge in the course of his duty.

32. If any person, either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died, directs that his body after death be examined anatomically, or nominates any person by this Act authorised to examine bodies anatomically to make such examination, and if before the burial of the body such direction or nomination is made known to the person having lawful possession thereof, then such last-mentioned person shall direct such examination to be made, and in case of any such nomination as aforesaid shall request and permit the persons nominated to make such examination, unless the surviving husband or wife of the deceased, or his nearest known relative, or any one or more of such relatives being of kin in the same degree, require the body to be interred without such examination.

Provision in case of persons directing anatomical examinations after their death.  
1875, No. 42, sec. 10

33. (1.) In no case shall the body of any person be removed for anatomical examination from any place where such person died until after thirty-six hours from the time of his decease, nor until after twenty-four hours' notice, to be reckoned from the time of such decease, to the Inspector of the district, or if there is more than one Inspector then to one of such Inspectors, of the intended removal of the body, or, if no such Inspector has been appointed, to some medical practitioner residing

The body not to be removed from the place where such person died without a certificate.  
Ibid, sec. 11

at or near the place of death, nor unless a certificate stating in what manner such person came by his death has previously to the removal of the body been signed by the medical practitioner who attended such person during the illness whereof he died, or if no such practitioner attended such person during such illness, then by some medical practitioner called in after the death of such person to view the body, and who states the manner or cause of death according to the best of his knowledge and belief, but who is not concerned in examining the body after removal.

(2.) In case of such removal such certificate shall be delivered, together with the body, to the party receiving the body for anatomical examination.

Anatomical examination to be carried on only at authorised places.  
1875, No. 42, sec. 12

34. (1.) It shall not be lawful for any party to carry on or teach anatomy at any place, or at any place to receive or possess for anatomical examination, or examine anatomically any body, except at such place or places as are authorised for that purpose under section twenty-five hereof.

(2.) Nothing in this section shall prevent any person, properly licensed, who obtains the permission of one of the Inspectors in writing for that purpose, and also the permission of the governors, teachers, or proper authorities of the school at which he is licensed to practise anatomy, from removing any body or portion of a body to such place as the Inspector deems fit for the purpose of teaching or studying anatomy, upon such terms and conditions as the Inspector and authorities of such school, in their uncontrolled discretion, think fit.

Persons practising anatomy to do so in orderly and decent manner.  
Ibid, sec. 13

35. All persons who carry on and practise anatomy shall do so in such a way as to avoid unnecessary mutilation of any bodies that they may be examining anatomically, and shall conduct such examination in an orderly, quiet, and decent manner; and it shall be lawful, in addition to the penalties hereinafter provided, to deprive any person of his license who offends against the provisions of this section or any of the provisions of this Part of this Act.

How bodies are to be removed for examination.

36. Every body when removed for the purpose of examination shall before such removal be placed in a decent coffin or shell, and be removed therein, and the party removing the same or causing the same to be removed shall make provision that such body after undergoing anatomical examination be decently interred in consecrated ground, or in some public burial-ground in use for persons of that religious persuasion to which the person whose body was removed belonged, and a certificate of the interment of such body shall be transmitted to the Inspector of the district within six months after the day on which such body was received after such removal.

Provision for interment.  
Ibid, sec. 14  
1884, No. 17, sec. 3

37. Nothing in this Part of this Act shall be construed or extend to prohibit any *post-mortem* examination of any body required or directed to be made by any competent legal authority.

Act not to prohibit *post-mortem* examination.  
1875, No. 42, sec. 15

38. No action shall be brought against any person for anything done in pursuance of this Part of this Act unless the same is commenced within six months next after the act complained of was committed.

Limitation of actions.  
Ibid, sec. 16

39. Any person offending against the provisions of this Part of this Act is liable on summary conviction before a Magistrate or two Justices to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, at the discretion of such Magistrate or Justices, as the case may be.

Offences.  
Ibid, sec. 17

40. (1.) In all cases in which no provision or no sufficient provision is, in the opinion of the Governor in Council, made by this Part of this Act, he may from time to time, for the purpose of facilitating or more effectually carrying into execution any of the objects thereof, make such regulations and orders, either general or applicable to particular cases only, as he thinks fit.

Governor in Council may make regulations and orders.  
1875, No. 42, sec. 18

(2.) All such regulations and orders shall be gazetted, and thereupon shall have the force of law, and the breach of any of such regulations or orders shall be punishable by a fine not exceeding five pounds.

41. (1.) The governing authorities of any authorised school of anatomy may from time to time, with the approval of the Governor in Council, make rules enabling the study and practice of anatomy to be properly carried out and discipline to be maintained at such school, and may impose a fine not exceeding five pounds for the breach thereof.

Governors, teachers &c., of schools may, with approval of Governor in Council, make rules and regulations.  
Ibid, sec. 19

(2.) All such rules shall fix a date on which the same shall come into force, and upon the date so fixed, and after their publication in the *Gazette*, such rules shall be in force in the school to which the same relate.

## SCHEDULES.

### FIRST SCHEDULE.

#### ENACTMENTS CONSOLIDATED.

- 1869, No. 51.—“The Medical Practitioners’ Registration Act, 1869.”  
1875, No. 42.—“The Anatomy Act, 1875.”  
1884, No. 17.—“The Anatomy Act 1875 Amendment Act, 1884.”  
1905, No. 31.—“The Medical Practitioners Registration Act, 1905.”

### SECOND SCHEDULE

#### QUALIFICATIONS FOR REGISTRATION.

The applicant must be—

- (1.) A graduate in medicine and surgery of the New Zealand University; or
- (2.) Registered on the register kept in accordance with the provisions of the Acts regulating the registration of medical practitioners in the United Kingdom; or
- (3.) Eligible for registration on such last-mentioned register; or
- (4.) The holder of a diploma granted, after a course of not less than five years’ study of the subjects pertaining to a medical and surgical degree or license, by a university in any British possession, or any other university which, in the opinion of the Governor in Council, is equal in status to that of New Zealand.

Section 10.  
1905, No. 31,  
Schedule.