

MEDICAL PRACTITIONERS AMENDMENT BILL

EXPLANATORY NOTE

1. Section 9 (a) of the Medical Practitioners Act 1950 provides that any person admitted *ad eundem* in New Zealand at any stage of the course leading to the degrees of M.B., Ch.B. must have his admission approved by the Medical Council if he wishes these degrees to qualify him for registration as a medical practitioner. *Clause 2* of the Bill makes it unnecessary for the Medical Council to approve of the *ad eundem* admission of a person to the entrance stage of the medical course.

2. Sections 9 to 11 of the Medical Practitioners Act 1950 made provision for a new scheme under which persons, on completing the medical course, are to be conditionally registered as medical practitioners and to undertake a period of internship in approved institutions or hospitals for the purpose of gaining practical experience before they are granted full registration. The scheme cannot operate until institutions and hospitals are approved under section 10 (1) and a date is fixed under that section for the commencement of the penal provisions of the section. This date has not yet been fixed because it is desired to introduce internships in New Zealand at the same time as they are introduced in the United Kingdom. It is understood that it may be a year or more before they are introduced there. To cover medical students who are completing the medical course in New Zealand in the meanwhile *clause 3* of the Bill provides that a person may be granted full registration if he becomes eligible for conditional registration before the date on which internships are introduced in New Zealand.

3. The police have record of several instances where persons have obtained credit or secured an opportunity for committing crime by passing themselves off as medical practitioners. *Clause 4* of the Bill makes it an offence for a person to describe himself as a medical practitioner if he is not a medical practitioner by virtue of any qualification or registration obtained in New Zealand or elsewhere. For the purposes of the clause the following special rules of evidence are to apply—

- (a) Proof that a person has described himself as a " Doctor " when he is not entitled to do so is to be proof that he has described himself as a medical practitioner and thus contravened the clause unless he can show that the manner and circumstances of his action were such as to raise no reasonable inference that he was describing himself as a medical practitioner :
- (b) Proof that a person who has qualifications entitling him to use the title " Doctor " has used the title in such manner and in such circumstances as to raise a reasonable inference that he was describing himself as a medical practitioner is to be proof that he was doing so :
- (c) For the purposes of the foregoing paragraphs the burden is to be on every person who uses the title " Doctor " of proving that he is entitled to do so :
- (d) Where it is proved that a person is not registered as a medical practitioner in New Zealand, the burden is to be on him of proving that he is a medical practitioner.

Hon. Mr. Marshall

MEDICAL PRACTITIONERS AMENDMENT

ANALYSIS

Title.		
1. Short Title.		3. Qualifications for registration as medical practitioners.
2. Qualifications for conditional registration.		4. Penalty for wrongfully using title of medical practitioner.

A BILL INTITULED

AN ACT to amend the Medical Practitioners Act 1950. **Title.**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority

5 of the same, as follows:—

1. This Act may be cited as the Medical Practitioners Amendment Act 1951, and shall be read together with and deemed part of the Medical Practitioners Act 1950 (hereinafter referred to as the principal Act). **Short Title.**
1950, No. 50

10 2. Section nine of the principal Act is hereby amended, as from the commencement of that Act, by inserting in paragraph (a), after the words “at any stage”, the words “(other than the entrance stage)”. **Qualifications for conditional registration.**

15 3. Section twelve of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:— **Qualifications for registration as medical practitioners.**

“ (aa) That he became eligible to be conditionally registered under this Act before the date fixed by resolution of the Medical Council and notified in the *Gazette* under subsection one of section ten of this Act; or ”.

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Penalty for
wrongfully
using title
of medical
practitioner.

4. Section fifty-five of the principal Act is hereby amended by adding the following subsections as subsections two and three:—

“ (2) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months who, not being a medical practitioner by virtue of any degree, qualification, or registration obtained in New Zealand or elsewhere, describes himself or otherwise holds himself out as a medical practitioner.

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“ (3) In any prosecution under subsection *two* of this section,—

“ (a) In the case of a person who is not entitled to use the title ‘ Doctor ’ by virtue of any degree, qualification, or registration obtained in New Zealand or elsewhere, proof that the person has described himself or otherwise held himself out as a doctor shall be deemed to be proof that he has described himself or otherwise held himself out as a medical practitioner unless he establishes that the manner and circumstances in which he did the act which is proved were such as to raise no reasonable inference that he was describing himself or otherwise holding himself out as a medical practitioner:

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“ (b) In the case of a person who is entitled to use the title ‘ Doctor ’ by virtue of any degree, qualification, or registration obtained in New Zealand or elsewhere, proof that the person has described himself or otherwise held himself out as a doctor shall be deemed to be proof that he has described himself or otherwise held himself out as a medical practitioner if the manner and circumstances in which he did the act which is proved were such as to raise a reasonable inference that he was describing himself or otherwise holding himself out as a medical practitioner:

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“ (c) If it is proved that any person has used the title ‘ Doctor ’, the burden of proving that he is entitled to do so by virtue of any degree, qualification, or registration obtained in New Zealand or elsewhere shall be on that person :

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“ (d) If it is proved that a person is not registered as a medical practitioner in New Zealand, the burden of proving that he is a medical practitioner by virtue of any degree, qualification, or registration obtained in New Zealand or elsewhere shall be on that person.”

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