

MEDICAL PRACTITIONERS AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Medical Practitioners Act 1950.

Clause 1 relates to the Short Title to the Bill.

Clause 2 amends section 9 of the principal Act, which relates to conditional registration, so as to enable the Medical Council to impose conditions on a reciprocal basis with regard to the registration of foreign graduates.

Clause 3 consequentially amends section 12 of the principal Act so as to make it clear, for the purposes of section 12, when a person is eligible to be conditionally registered.

Clause 4: Section 21 of the principal Act provides that a person's name may be removed from the medical register if the Council has reason to believe that he has died outside New Zealand or if no reply is received to a letter to the person inquiring whether or not he desires to have his name retained in the register or has ceased to practise. The clause amends subsection (4) so as to make it clear that it is compulsory to restore to the medical register a name that has been removed under section 21 if the person concerned applies for restoration.

Clause 5 makes provision for correcting the medical register to recognise a change of name, and for removing a name from the register where the person concerned so requests.

Clause 6 amends section 25 so as to make it clear that the Chairman of the Medical Council may delegate to the Secretary the power to issue provisional certificates at his discretion.

Hon. Mr McKay

MEDICAL PRACTITIONERS AMENDMENT

ANALYSIS

Title	
1. Short Title	4. Restoration to register
2. Qualifications for conditional registration	5. Amendment of register on change of name, and removal of name on request
3. Qualifications for registration as medical practitioners	6. Provisional certificates

A BILL INTITULED

An Act to amend the Medical Practitioners Act 1950

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

1. **Short Title**—This Act may be cited as the Medical Practitioners Amendment Act 1964, and shall be read together with and deemed part of the Medical Practitioners Act 1950* (hereinafter referred to as the principal Act).

10 2. **Qualifications for conditional registration**—(1) Section 9 of the principal Act, as amended by subsection (1) of section 59 of the Universities Act 1961, is hereby further amended by repealing subparagraphs (ii) and (iii) of the proviso to paragraph (c), and substituting the following subparagraphs:
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*1957 Reprint, Vol. 9, p. 539
Amendment: 1962, No. 18

“(ii) The Council may, if it thinks fit, require that any holder of such a degree, diploma, or other qualification, before being conditionally registered, shall do all or any of the following things, namely, satisfy the Council that he has a reasonable command of the English language, and attend a course in medicine and surgery, and pass examinations therein: 5

“(iii) If it does not appear to the Council that the graduates in medicine and surgery of any University in New Zealand are, by virtue of their graduation and without further training, experience, or examination, entitled to be registered as medical practitioners and to practise medicine and surgery in the country in which is situated the University or Institution by which the degree, diploma, or other qualification has been granted, the Council may refuse to approve that degree, diploma, or other qualification or may require every person relying thereon, before being conditionally registered, to comply with any conditions which appear to the Council to be substantially equivalent to the conditions attached to the recognition in that country of qualifications obtained in New Zealand, notwithstanding that the Council would have approved the degree, diploma, or other qualification unconditionally if the law of that country had provided otherwise.” 10 15 20 25

(2) Section 9 of the principal Act is hereby further amended by adding, as subsection (2), the following subsection: 30

“(2) Any course or examination which the Council, pursuant to subparagraph (ii) or subparagraph (iii) of the proviso to paragraph (c) of subsection (1) of this section, requires any person to attend or pass, shall be such course or examination as is approved for the purpose by the Council either generally or in relation to any particular case or class of cases.” 35

(3) The Universities Act 1961 is hereby amended by repealing so much of the First Schedule as relates to subparagraph (iii) of paragraph (c) of section 9 of the Medical Practitioners Act 1950. 40

3. Qualifications for registration as medical practitioners—

Section 12 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

5 “(2) In determining whether for the purposes of the fore-
going provisions of this section a person is eligible to be
conditionally registered, the Council shall take into account
all the provisions of the proviso to paragraph (c) of sub-
section (1) of section 9 of this Act to the extent, if any, that
10 those provisions would have been applicable if the Council
were considering the conditional registration of that person.”

4. Restoration to register—Section 21 of the principal Act is hereby amended—

15 (a) By omitting from subsection (4) the words “removed
by mistake the Secretary shall, if so directed by the
Council”, and substituting the words “so removed
it shall direct the Secretary to”:

20 (b) By omitting from the proviso to subsection (4) the
words “the refusal of the Council to restore”, and
substituting the words “any decision of the Council
under this subsection which affects the restoration
of”.

**5. Amendment of register on change of name, and removal
of name on request—**The principal Act is hereby amended
by inserting, after section 24, the following section:

25 “24A. (1) When it appears to the satisfaction of the Council
that a person who has been registered as a medical practitioner
or conditionally registered has changed his name, or that the
name of any such person is incorrectly stated in the register,
the Secretary shall, on payment of the prescribed fee, correct
30 the entry in the register relating to that person accordingly:

“Provided that no fee shall be payable where the correction
of the register is rendered necessary by reason of a mistake
made by the Council or the Secretary or any of his sub-
ordinates.

35 “(2) The Council may at any time, if it thinks fit, on the
application of any person who has been registered as a medical
practitioner or conditionally registered, cause the name of
that person to be removed from the register.

40 “(3) Subsection (4) of section 21 of this Act shall apply
in the case of any person whose name has been removed
from the register under this section.”

6. Provisional certificates—Section 25 of the principal Act is hereby amended by adding the following subsection:

“(6) Any direction given by the Chairman of the Council under this section may be expressed to apply generally or in relation to any particular case or class of cases, but the Secretary shall not issue any such certificate to any person who does not appear to him to be entitled to be registered in the manner specified in the application unless he is specially directed by the Chairman of the Council so to do.”