



THE MEDICAL PRACTITIONERS ORDINANCE, 1864.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XVIII., No. 147.

ANALYSIS :

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AN ORDINANCE to constitute a Medical Board in Otago, and to regulate the Qualifications of Practitioners of Medicine and Surgery. Title.

WHEREAS it is expedient that persons in the said Province requiring medical aid and advice should be enabled to distinguish qualified from unqualified practitioners— Preamble.

BE IT ENACTED by the Superintendent of the said Province with the advice and consent of the Provincial Council thereof as follows :

Short Title.

1. The Short Title of this Ordinance shall be "The Medical Practitioners Ordinance, 1864."

Section 2 of Ordinance of New Munster, Session 2, No. 1, repealed.

2. The first section of the Ordinance of the Legislative Council of New Munster intituled "An Ordinance to define the Qualifications and to provide for the remuneration in certain cases of Medical Practitioners" so far as the same affects the Province of Otago and the inhabitants thereof is hereby repealed.

Superintendent to appoint a Medical Board.

3. It shall and may be lawful for the Superintendent of Otago for the time being to nominate and appoint at Dunedin in Otago aforesaid a Board consisting of not less than three nor more than five members being of the medical profession and qualified to be registered under this Ordinance one of whom shall be nominated by the said Superintendent president of the said Board and such Board shall be called "The Otago Medical Board" and it shall be lawful for the Superintendent with the advice and consent of his Executive Council at any time and from time to time to remove the said members or any of them and upon the removal death or resignation of the said members or any of them to appoint such other person or persons as he shall think fit.

Resignation or Death of Members.

4. The members of the said Board shall be nominated for a term of five years and shall be capable of re-appointment and any member may at any time resign his appointment by letter addressed to the Superintendent of the said Province and upon the death resignation or removal as aforesaid of any member of the said Board some other person shall be nominated and appointed as aforesaid a member of the said Board in his place but it shall be lawful for the Board during such vacancy to exercise the powers hereinafter contained.

Time and Place of Meetings.

5. The Board shall hold its first meeting within three months from the commencement of this Ordinance in such place in Dunedin and at such time as the Superintendent shall appoint and shall make such rules and regulations as to the times and places of the meetings of the Board and the mode of summoning the same as to them shall seem expedient which rules and regulations shall remain in force until altered at any subsequent meeting and in absence of any rule or regulation for summoning a meeting of the Board it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member and at every meeting in the absence of the president some other member to be chosen from the members present shall act as president and all orders of the Board shall be decided by the votes of the majority of the members present at any meeting the whole number present not being less than three and at all such meetings the president for the time being shall in addition to his vote as a member of the Board have a casting vote in case of an equality of votes.

6. The Board shall appoint a registrar who shall act also as ^{Appointment of Registrar.} secretary of the Board and who may act also as treasurer until the Board shall appoint another person the Board shall also appoint so many clerks and servants as shall be necessary for the purposes of this Ordinance and every person so appointed shall be removable at the pleasure of the Board and shall be paid such salary as the Board shall think fit out of the fees received by it: And it shall be lawful for a member of the Board to hold all or any of the said offices of registrar secretary and treasurer.

7. There shall be paid to the president and members of the Board ^{Payment of Members.} out of the fees aforesaid such fees for attendance as shall be allowed by the Superintendent of the said Province provided that the Superintendent may so long as he sees fit abstain from allowing any fees or other payment to the president and members of the Board.

8. All money payable to the Board shall be paid to the treasurer ^{Expenses of Board.} and shall be applied to defray the expenses of carrying this Ordinance into execution and true accounts shall be kept by the treasurer of the Board of, the expense of the said Board and the treasurer shall enter in a book kept for that purpose true accounts of all money paid by him and of all money received by him and a copy of such accounts signed by the president and two members of the Board shall be delivered to the Superintendent annually on the thirty-first day of March in every year and such accounts shall be laid before the Provincial Council in the month of April in every year if it be sitting and if not sitting then within ten days after the next meeting of the Provincial Council.

9. It shall be the duty of the Registrar to keep the register correct ^{Duty of Registrar.} in accordance with the provisions of this Ordinance and the orders and regulations of the Board and to erase the names of all registered persons who shall have died and shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance.

10. Every person now possessed and every person hereafter becoming possessed of any one or more of the qualifications described in Schedule A to this Ordinance shall be registered on ^{Registration of Persons qualified or hereafter becoming qualified.} production to the Board or a quorum thereof the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered or by transmitting by post to the Registrar information of his name and address and evidence of the qualification or qualifications in respect of which he seeks to be registered and of the time or times at which the same was or were respectively obtained: Provided that the Board may if it think fit require the personal attendance before the Board of any person seeking or applying to be registered.

11. Any person practising medicine or surgery in the Province of ^{Certain persons in Practice at the time of Ordinance coming into force to be Registered.} Otago at the time of this Ordinance coming into force and operation who shall prove on personal attendance before the Board to the

satisfaction of the said Board that he has passed through a regular course of medical study of not less than three years duration in a school of medicine or surgery and that he has received after due examination from some university college or other body duly recognised for that purpose in the country to which such university college or other body may belong a diploma degree or license entitling him to practise medicine or surgery in that country whether such country be within her Majesty's dominions or not shall be entitled to be registered under this Ordinance: Provided that no person shall be entitled to be registered by virtue of anything contained in this section unless he shall be practising medicine or surgery in the Province at the time of the coming into force of this Ordinance.

Persons registered under English Medical Act to be registered.

12. Every person who shall have been registered as a legally qualified practitioner in England Ireland or Scotland under the Acts of the Imperial Parliament of Great Britain and Ireland specified in the third Schedule hereto marked C shall be entitled to be registered by the Medical Board of Otago on his submitting to the Board satisfactory proofs of his having been registered.

Persons being in Practice and holding Certificate under in part repealed Ordinance of New Munster, 1849, No. 2, to be Registered.

13. Every person shall be entitled to be registered under this Ordinance who being in actual practise in medicine or surgery in the Province of Otago at the time of the coming into force of this Ordinance shall hold a certificate as a legally qualified medical practitioner under the Ordinance of the Legislative Council of New Munster hereinbefore in part repealed and intituled "An Ordinance to define the qualifications and to provide for the remuneration in certain cases of medical practitioners."

Board to have power, if they think fit, to dispense with Provisions of Ordinance in certain cases, and in favor of certain Persons.

14. It shall be lawful for the Board by Special Order to dispense with such provisions of this Ordinance or with such part of any regulations made by this authority as to them shall seem fit in favor of persons actually practising and being by the laws of the colony in which they practised legally qualified to practise medicine and surgery in any of the Australian colonies at the time of this Ordinance coming into force: It shall also be lawful for the Board by special order to make a like dispensation if they shall think fit in favor of persons practising medicine or surgery under foreign or colonial diplomas or degrees in the Province of Otago before or at the time of this Ordinance coming into force: Also in favor of persons who have held the appointments of surgeons or assistant-surgeons in the Army Navy or Militia or in the service of the late East India Company: Also in favor of any person who proves to the satisfaction of the Board that he has passed through a regular course of medical study of not less than three years duration in any British foreign or colonial school of medicine or surgery and that he has received after due examination from some British foreign or colonial university college or body duly recognised for that purpose in the country to which such university college or other body may belong a diploma or degree or license entitling him to practise medicine or surgery in that country or certifying to his ability to practise medicine or surgery: Provided that nothing in this section contained shall in any way restrict or affect

the right to be registered under this ordinance of any person entitled to be registered under any of the previous sections of this Ordinance.

15. Every person possessing the qualifications hereinbefore mentioned and desirous of being registered under this Ordinance shall pay to the Board a fee of five pounds and no person shall be registered until such fee has been paid.

Fees to be paid on Registration.

16. Where any person entitled to be registered under this Ordinance shall apply to the said Medical Board for that purpose the said Board shall forthwith after the said Board is satisfied that such person is entitled to be registered cause the Registrar to enter in a register in the form set forth in the Schedule B to this Ordinance or similar thereto the name of such person and his place of residence and the qualification or several qualifications in respect of which such person is so entitled.

The Register.

17. In order to enable the said Board and the Registrar thereof duly to fulfil the duties imposed upon them respectively it shall be lawful for such Registrar to write or cause to be written a letter to any registered person addressed to him according to his last known address to enquire whether he has ceased to practise or has changed his residence and if no answer shall be returned to such letter within the period of six months from the sending of the letter it shall be lawful for the Board to erase the name of such person from the register: Provided always that the same may be restored by the Board should they think fit to do so.

Registrar to ascertain whether Registered Person is still living or has changed Residence, and to alter the Register accordingly.

18. Every Registrar and Deputy-Registrar of Deaths in the said Province on receiving notice of the death of any medical practitioner shall forthwith transmit such notice by post to the Registrar of the Board in Dunedin and on receipt of such notice the Board shall erase the name of such deceased medical practitioner from the register of qualified practitioners under this Ordinance and any medical practitioner on changing his residence shall intimate the same to the Registrar of the Board.

Notice of Death or change of Residence to be sent to the Medical Board by Registrar of Deaths.

19. On and after the ninety-first day after this Ordinance comes into operation it shall not be lawful for any person within the Province of Otago unless registered under this Ordinance to pretend to be or take or use the name or title of a physician doctor of medicine licentiate in medicine and surgery master in surgery bachelor of medicine doctor surgeon medical or general practitioner or apothecary or surgeon-apothecary accoucheur or licentiate or practitioner in midwifery or any other medical or surgical name or title: And every unregistered person so offending shall upon a summary conviction for any such offence forfeit and pay a sum not exceeding fifty pounds.

Persons unregistered under this Ordinance using Medical Titles, to be subject to fine.

20. After the ninety-first day after this Ordinance comes into operation no person shall be entitled to recover any charge in any court of law in the Province of Otago for any medical or surgical advice or attendance or for the performance of any operation or for

Unregistered persons not to be entitled receive Fees, &c.

any medicine which he shall have both prescribed and supplied unless he shall prove on the trial that he is registered under and in accordance with the provisions of this Ordinance.

Words, "Legally qualified Medical Practitioner," in any Act or Ordinance, to mean a Person Registered under this Ordinance.

21. From and after the coming into force of this Ordinance 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 of Parliament of the Imperial Legislature or of the General Assembly of New Zealand or in any Ordinance of the Provincial Council of Otago or in any Act or Ordinance having legal force and effect in Otago shall as far as regards the Province of Otago and persons residing therein be construed to mean a person registered under this Ordinance: Provided that nothing in this clause contained shall be taken to restrict or limit the meaning of the said words when used in any Act of the General Assembly of New Zealand but the said words when so used in any such Act shall notwithstanding anything herein contained to the contrary have the meaning which by any Act of the said General Assembly they had before the passing of this Ordinance or by any such Act may hereafter have but such words when so used shall in addition have the meaning hereby attached to them so far as such meaning is not repugnant to the meaning which by any such Act of the said Assembly is attached to them.

Board to have power to question persons applying to be registered, and to require a declaration of truth of statements made by such persons.

22. It shall be lawful for the said Board to question any person who may present himself as hereinbefore provided or any person applying to be registered under this Ordinance or any witness who may be produced before them and to require a solemn declaration of matter stated by such person or witness to be made by such person or witness before a Justice of the Peace.

No Unregistered Person to hold any public Medical Appointment.

23. On and after the ninety-first day after this Ordinance comes into operation no unregistered person shall hold any appointment as a Physicial Surgeon or other Medical Officer in any Hospital Infirmary Dispensary or Lying-in-Hospital or in any Lunatic Asylum Gaol Penitentiary House of Correction House of Industry or other Public Institution for affording medical relief in sickness infirmity or old age or as a Medical Officer of Health and on and after the ninety-first day after this Ordinance comes into operation no Certificate shall be valid unless the person signing the same shall be registered under and in accordance with the provisions of this Ordinance: Provided that nothing in this Ordinance contained shall render invalid any such certificate from a duly appointed medical officer of any of her Majesty's land or sea forces in full pay although such officer may not be registered under this Ordinance. Provided also that nothing herein contained shall be taken to affect any appointment made by the Governor of New Zealand of any person as Physician Surgeon or other Medical Officer to or in any Hospital Infirmary Gaol or Asylum or other Public Institution under the control of the General Government of New Zealand.

24. If any person shall have procured himself to be registered under this Ordinance 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 under this Ordinance shall have been registered or if any registered person shall be convicted of any felony or misdemeanour in Great Britain or Ireland or any of the British Dominions or if any person registered under this Ordinance shall after due enquiry be judged by the said Board to have been guilty of discreditable or infamous conduct in any professional respect the Board may in any such case if they think fit and with the consent of the Superintendent direct the Registrar to erase the name of any such person from the register.

Names of Registered Persons guilty of certain offences may be erased from Register.

25. Every person registered under this Ordinance who may have obtained any higher degree or any qualification other than the qualification in respect of which he may have been registered shall be entitled to have such higher degree or additional qualification inserted in the Register in substitution for or in addition to the qualification previously registered on payment of such fee as the Board may appoint.

Higher qualifications or degrees obtained after Registration, may be entered on the Register.

26. A true Copy of the Register aforesaid in accordance with the Schedule of this Ordinance certified and declared under the hands of the President and Registrar of the Board to be a true Copy shall in the month of December in each year be sent to the Superintendent and shall by him be published in the *Government Gazette* of the Province of Otago and any copy of the Register so published shall be evidence in all Courts of Law and before all Resident Magistrates and Justices of the Peace and others that the persons therein specified are registered according to the provisions of this Ordinance: 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 Board of the entry of the name of such person on the Register shall be evidence that such person is registered under the provisions of this Ordinance.

Annually, in month of December, true copy of Register to be sent to Superintendent, and published in *Gazette*, which shall be evidence in Courts of Law.

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

This Ordinance not to affect Chemists, or Druggists, or Dentists.

28. Any penalty to which under this Ordinance any person is liable on summary conviction may be recovered in manner directed by the Act of the Imperial Parliament intituled "The Summary Convictions Act 1848" and by the Act of the General Assembly of New Zealand intituled "The Justice of the Peace Act 1858."

Penalties how to be recovered.

29. All fees received for registration under this Ordinance shall be applied for expenses of registration and of the execution of this Ordinance.

Fees to be applied for expenses of Ordinance.

Passed the Provincial Council, April 14, 1864.

J. L. C. RICHARDSON,

Speaker.

CHARLES SMITH,

Clerk of Council.

Assented to on behalf of the Government, at Dunedin, this twenty-seventh day of May, One Thousand Eight Hundred and Sixty-four.

JOHN HYDE HARRIS,

Superintendent of the Province of Otago.

Schedules.

SCHEDULE

A

1. Fellow Member Licentiate or Extra Licentiate of the Royal College of Physicians of London England.
2. Fellow Member or Licentiate of the Royal College of Physicians of Edinburgh Scotland.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Dublin Ireland.
4. Fellow or Member or Licentiate in Midwifery of the Royal College of Surgeons of London England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh Scotland.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons Glasgow Scotland.
7. Fellow or Licentiate of the Royal College of Surgeons of Dublin Ireland.
8. Licentiate of the Society of Apothecaries London England.
9. Licentiate of the Apothecaries' Hall Dublin Ireland.
10. Doctor or Bachelor or Licentiate of Medicine or Master in Surgery of any University of the United Kingdom of Great Britain and Ireland: or Doctor of Medicine by Doctorate granted prior to the 2nd August 1858 by the Archbishop of Canterbury

SCHEDULE B

Date of Registration.	Name.	Residence.	Qualifications.
	A. B.	Dunedin	Fellow of the Royal College of Physicians, London. Member of the Royal College of Surgeons, Edinburgh.
	C. D.	Dunstan.	Licentiate of the Society of Apothecaries, London. Member of the Royal College of Surgeons, London.
	E. F.	Moeraki.	Licentiate of the Faculty of Physicians and Surgeons, Glasgow
	G. H.	Queenstown.	Licentiate of the Society of Apothecaries, London.

A. B., President of Medical Board.

C. D., Member of Medical Board.

E. F., Do do.

SCHEDULE C.

Date of Act.	* Title of Act.
21 and 22 Victoria, Cap. 90.	An Act to Regulate the Qualifications of Practitioners in Medicine and Surgery.
22 Victoria, Cap. 21.	An Act to Amend the Medical Act.