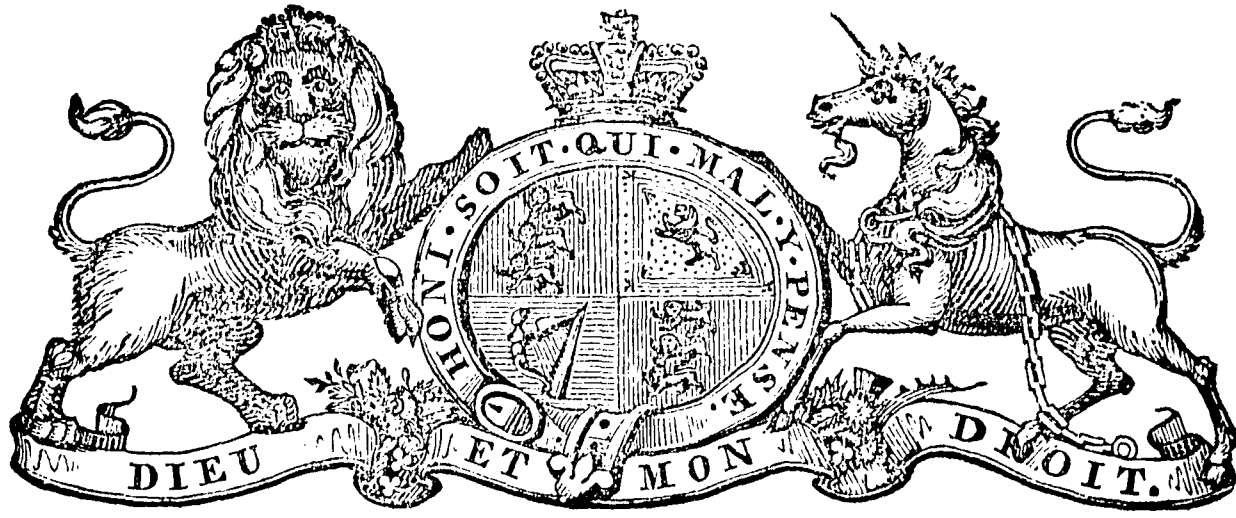


VICTORIA.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. CLVIII.

An Act to amend the Laws relating to the Registration of Legally Qualified Medical Practitioners.

[18th June, 1862.]

WHEREAS it is expedient to amend the law relating to the qualification of medical witnesses on coroners' inquests and other inquiries Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say)—

Preamble.

I. In addition to the persons who by virtue of the Acts hereinafter recited are now entitled to be registered by the medical board of Victoria any person who shall prove on personal attendance to the satisfaction of the medical board of Victoria or a quorum thereof 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 upon obtaining the certificate herein referred to be deemed to be a legally qualified medical practitioner within the meaning of the Acts passed in the second and ninth years of the reign of Her present Majesty and numbered respectively XXII. and XII. and shall be entitled to a certificate as such from the said board.

Foreign medical practitioners properly qualified shall be deemed legally qualified medical practitioners.

II. A quorum of the board under the recited Acts shall for the future consist of not less than three members thereof and in case of the absence of the president of the said board it shall be competent to elect one of the members present to be chairman of such meeting.

What shall be deemed a quorum of the medical board.

III. It shall be lawful for the said board to question any person who may present himself as hereinbefore provided or any witness who may be produced before them and to take a solemn declaration from such person or witness and if any person shall wilfully knowingly and corruptly make any false statement upon such examination or in such declaration or shall utter or attempt to utter or put off as true before the

Persons forging or obtaining a certificate under false representations liable to imprisonment with or without hard labor.

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the said board any false forged or counterfeit diploma degree license certificate or other document or writing such person shall be guilty of a misdemeanor and being thereof duly convicted shall be liable to imprisonment with or without hard labor for any period not exceeding three years.

Persons forging or obtaining a certificate under false representations guilty of a misdemeanor.

IV. If any person fraudulently or by false representations obtains any certificate as a duly qualified medical practitioner under the provisions of this Act or the said recited Acts or shall forge alter or counterfeit any such certificate or shall utter or use any such forged altered or counterfeited certificate knowing the same respectively to have been forged altered or counterfeited or shall falsely advertise or publish himself as having obtained such certificate he shall be deemed guilty of a misdemeanor and being thereof duly convicted shall be liable to imprisonment with or without hard labor for any period not exceeding three years.

The medical board to keep a register of the names places of abode and qualifications of legally qualified medical practitioners.

V. In addition to the registration of legally qualified medical witnesses on coroners' inquests and other inquiries the medical board shall as nearly as conveniently may be in accordance with the form set forth in the first schedule to this Act or to the like effect register any degree diploma license certificate or other instrument entitling any legally qualified medical practitioner to be registered as such and shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act And to enable the medical board duly to fulfil the duties imposed upon them it shall be lawful for such board to write or cause to be written a letter to any registered person addressed to him according to his last known address to inquire 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 to erase the name of such person from the register Provided always that the same may be restored by the medical board should they think fit to do so.

Notice of death or change of residence of legally qualified medical practitioners to be sent to the medical board by deputy registrars.

VI. Every deputy-registrar in the colony of Victoria on receiving notice of the death of any medical practitioner shall forthwith transmit such notice by post to the president of the medical board in Melbourne and on receipt of such notice the medical board shall erase the name of such deceased medical practitioner from the register of legally qualified medical practitioners and any medical practitioner on changing his residence shall intimate the same to the medical board.

Persons unregistered under this Act and recited Acts using medical titles to be subject to fine.

VII. On and after the first day of August One thousand eight hundred and sixty-two it shall not be lawful for any person unless registered under this Act 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 or accoucheur or licentiate or practitioner in midwifery or any other medical or surgical name or title and every unregistered person so offending shall forfeit and pay a sum not exceeding fifty pounds to be recovered in a summary manner before any two justices of the peace by any person suing for the same in any court of petty sessions.

Power of appeal.

VIII Any person who shall feel himself aggrieved by any conviction or order of any justices under this Act may appeal from any such conviction or order to the next court of general sessions of the peace and the execution of every such conviction or order so appealed from shall be suspended in case such person shall with two or more sufficient sureties immediately before such justices enter into a bond or recognizance to Her Majesty in the sum of fifty pounds which bond or recognizance respectively such justices are hereby authorised and required

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required to take and such bond or recognizance shall be conditioned to prosecute such appeal with effect and to be forthcoming to abide the determination of the said court of general sessions and to pay such costs as the said court shall award on such occasion and such court of general sessions is hereby authorised and required to hear and determine the matter of the said appeal and the decision of such last-mentioned court shall be final to all intents and purposes.

IX. It shall be lawful for the medical board of Victoria (or a quorum thereof) to register as a legally qualified medical practitioner within the meaning of the Acts passed in the second and ninth years of Her present Majesty and numbered respectively XXII. and XII. and to grant a certificate as such to any person practising medicine or surgery in the colony of Victoria at the date of the passing of this Act but not thereafter who shall prove 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 British or foreign school of medicine and that he has received after due examination from some British or foreign university college or body duly recognised for that purpose in the country to which such university college or other body may belong a medical diploma or degree certifying to his ability to practise medicine or surgery as the case may be.

Power to medical board to grant certificates to certain other persons.

X. 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 second schedule hereto shall be entitled to be registered by the medical board of Victoria on his submitting to the board satisfactory proofs of his having been so registered.

Persons registered under English Medical Act to be registered.

XI. Every doctor of medicine or other medical practitioner who shall have received such certificate as aforesaid shall afterwards be entitled to sue in any court of law within the colony 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 and it shall be sufficient to state in the particulars of demand the words "for medical services" which shall include every demand for medical or surgical aid including medicines when supplied by the plaintiff to the defendant And no person shall be entitled to recover any charge in any court of law for any medical or surgical advice or attendance or for the performance of any operation or for any medicine which he shall have both prescribed and supplied unless he shall prove on the trial that he is registered in accordance with the provisions of this Act.

Medical practitioners holding certificates to be entitled to sue for fees, &c.

XII. On and after the first day of August One thousand eight hundred and sixty-two no unregistered person shall hold any appointment as a physician surgeon or other medical officer in passenger or other vessels leaving any port in Victoria or 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 first day of October One thousand eight hundred and sixty-two no certificate required by any Act now in force or that may hereafter be passed from any physician surgeon licentiate in medicine surgery or other medical practitioner shall be valid unless the person signing the same be registered in accordance with the provisions of this Act Provided that nothing in this Act 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 Act.

Medical appointments cannot be held or certificates signed by unregistered persons to be illegal.

XIII. Printed

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Copies of register to be published sold and distributed.

XIII. Printed copies of the register aforesaid in accordance with the schedule of this Act shall in the month of January in each year be published and sold by the medical board and any copy of the register so published shall be evidence in all courts of law and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this and the aforesaid Acts.

XIV. Nothing in this Act shall be construed to apply to or interfere with any person who can prove to the satisfaction of the medical board of Victoria that he has passed through a regular course of medical or surgical instruction and has practised regularly in Victoria since the first day of January One thousand eight hundred and fifty-three notwithstanding that such person may never have received a diploma license or certificate entitling him to practise medicine or surgery or both nor shall anything in this Act be construed to infringe on the rights and privileges hitherto enjoyed by chemists and druggists or dentists.

This Act to be construed with Acts 2 Vic. No. 22 and 9 Vic. No. 12.

XV. This Act shall so far as is consistent with the contents and subject matter thereof be taken as part of and construed with the said recited Acts.

Title of Act.

XVI. This Act may be cited as the "*Medical Practitioners Act of 1862.*"

THE FIRST SCHEDULE.

Name.	Residence.	Qualification.
A. B.	Melbourne	Fellow of the Royal College of Physicians. Member of the Royal College of Surgeons, Edinburgh. Licentiate of the Society of Apothecaries, London.
C. D.	Ballaarat	Member of the Royal College of Surgeons, London.
E. F.	Castlemaine	Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
G. H.	Geelong	Licentiate of the Society of Apothecaries, London.

A. B., Chairman of Medical Board.

C. D., Member of Medical Board.

E. F., Do. do.

THE SECOND SCHEDULE.

Date of Act.	Title of Act.
21 and 22 Vict., cap. 90.	" <i>An Act to regulate the qualifications of Practitioners in Medicine and Surgery.</i> "
22 Vict., cap. 21.	" <i>An Act to amend the Medical Act</i> " (1858).

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.