



CHAPTER 157.

An Act respecting the Practice of Medicine and Surgery.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short Title.

1. This Act may be cited as the “Medical Act.” R.S. 1911, c. 155, s. 1. Short title.

The College of Physicians and Surgeons of British Columbia.

2. The members of the medical profession of the Province incorporated under the name of “The College of Physicians and Surgeons of British Columbia” (referred to in this Act as the “College”) shall continue to be a body corporate under that name, with the power to acquire, hold, and dispose of chattel property and real estate for the purposes of this Act. R.S. 1911, c. 155, s. 2 (*redrawn*). Incorporation.

3. Every person registered according to the provisions of the “Medical Act, 1898,” or any other Act of the Legislature relating to the medical profession, shall be a member of the College. R.S. 1911, c. 155, s. 3. Members registered under former Acts.

4. Every person registered under the provisions of this Act shall also be a member of the College. R.S. 1911, c. 155, s. 4. Members registered under this Act.

Council of the College.

5. There shall be a Council of the College to be elected as herein-after provided for, and referred to in this Act as the “Council.” R.S. 1911, c. 155, s. 5. “Council.”

Number of members
of Council.

6. The number of persons to be elected as members of the Council shall be seven, to be elected from the medical electoral districts established by or under this Act: Provided that the number of persons to be elected may be increased from time to time by a two-thirds vote of the Council. R.S. 1911, c. 155, s. 6.

Medical electoral
districts.

7. The Province shall be divided into five medical electoral districts, to be known as Districts No. 1, No. 2, No. 3, No. 4, and No. 5. District No. 1 shall comprise the Provincial Electoral Districts of Victoria City, Saanich, Esquimalt, Cowichan, the Islands, Newcastle, Nanaimo, Alberni, Comox, Atlin, and Prince Rupert, and shall be entitled to elect two members. District No. 2 shall comprise the Provincial Electoral Districts of Delta, Chilliwack, Dewdney, and New Westminster, and shall be entitled to elect one member. District No. 3 shall comprise the Provincial Electoral Districts of Vancouver City, North Vancouver, South Vancouver, and Richmond, and shall be entitled to elect two members. District No. 4 shall comprise the Provincial Electoral Districts of Cariboo, Lillooet, Yale, Kamloops, North Okanagan, Similkameen, Columbia, South Okanagan, Revelstoke, Omineca, and Fort George, and shall be entitled to elect one member. District No. 5 shall comprise the Provincial Electoral Districts of Slocan, Trail, Rossland, Nelson, Kaslo, Greenwood, Grand Forks, Fernie, and Cranbrook, and shall be entitled to elect one member. 1922, c. 48, s. 2.

Power of Council
to change electoral
districts.

8. The number and boundaries of the medical electoral districts, and the number of the representatives apportioned to each, may be changed from time to time by a two-thirds vote of the Council. R.S. 1911, c. 155, s. 8.

Number of votes
that may be cast
by each member
of College.

9. Each member of the College qualified to vote may vote for as many qualified persons for the medical electoral district in which he resides as such district is entitled to in the Council. The residence of any member shall be conclusively proven by the British Columbia Medical Register. R.S. 1911, c. 155, s. 9.

Conduct of elections.

10. The Council shall make provision with respect to the manner of taking the votes at elections for members of the Council and the conduct and regulation of elections. At all elections retiring members of the Council shall be eligible for re-election if otherwise qualified. An election for members of the Council shall be held on the first Monday in April, 1926, and thereafter on the first Monday in April every three years. The members elected shall assume office on the first Monday in May following their election. R.S. 1911, c. 155, s. 11.

Term of office of
member of Council.

11. The members of the Council provided for by section 6 shall each be elected for the period of three years, but any member may

resign his appointment at any time by letter addressed to the president or registrar of the Council. R.S. 1911, c. 155, s. 12.

12. In the event of any vacancy being caused by death or resignation of any member of the Council, the remaining or continuing members of the Council shall appoint a duly registered and licensed member of the College in good standing, resident in the medical electoral district in respect of which the vacancy has occurred, to be a member of the Council in the place of the member so dying or resigning, as aforesaid, until the next election, and it shall be lawful for the Council during the existence of any vacancy or vacancies in its membership to exercise all the powers by this Act vested in or conferred upon the Council. R.S. 1911, c. 155, s. 13. Vacancies.

13. The persons entitled to vote under this Act at any election shall all be duly registered members of the College; but no member of the College who is in arrear for his annual fees or any part thereof shall be entitled to vote at elections for members of the Council, or be eligible for election as a member of the Council. R.S. 1911, c. 155, s. 14. Electors.

14. In the case of any doubt or dispute as to the legality of the election of any member of the Council, it shall be lawful for the Council to hold and decide who is the legally elected member of the Council, and the person whom the Council decides to have been elected shall be, and be deemed to be, a member legally elected; and if such election is found to have been illegal, the Council shall have power to order a new election. R.S. 1911, c. 155, s. 15. Decision of disputes
as to legality of
election.

15. The Council shall annually appoint from amongst themselves a president and vice-president and from the members of the College a registrar, treasurer, and other officers as may from time to time be necessary for the working of this Act, who shall hold office during the pleasure of the Council; and the said Council shall have power to fix from time to time the salaries or fees to be paid to such officers. R.S. 1911, c. 155, s. 16. Officers.

16. The Council shall appoint annually from amongst its members an executive committee of five members, to be called together by the registrar, one of whom shall be the president, to take cognizance of and action upon all such matters as are delegated to it by the Council, or such as may require immediate interference or attention between the adjournment of the Council and its next meeting, and all such acts shall be valid only until the next ensuing meeting of the Council; but the executive committee shall have no power to alter, repeal, or suspend any by-law of the Council. R.S. 1911, c. 155, s. 17. Executive
committee.

Rules as to meetings of Council.

17. The members of the Council shall make rules and regulations as to the time and place of meeting of the Council and the modes of summoning meetings of the Council, and it shall be lawful for the president thereof or, in the event of his absence or death, for the registrar to summon the Council to meet at such time and place as to him may seem fit, by circular or letter to be mailed to each member. R.S. 1911, c. 155, s. 18.

Notice of meeting.

18. At least two weeks' notice of a meeting of the Council shall be given, and in the event of the absence of the president from any meeting the vice-president, or in his absence some other member, to be chosen from among the members present, shall act as president. R.S. 1911, c. 155, s. 19.

Quorum.

19. A majority of the members of the Council shall form a quorum, and all acts of the Council shall be decided by the majority of the members present. R.S. 1911, c. 155, s. 20.

No casting-vote.

20. The president or vice-president, when in the chair, and the chairman of any meeting shall have the same right to vote as any other member of the Council, but shall have no casting-vote; in case of an equality of votes the question shall be declared lost. R.S. 1911, c. 155, s. 21.

Fees and travelling expenses.

21. There shall be paid to the members of the Council and to the Board of Examiners, as hereinafter mentioned, reasonable fees for attendance and necessary travelling expenses, as may from time to time be fixed by the Council. R.S. 1911, c. 155, s. 22.

Registration of Members.

Register.

22. The Council shall cause to be kept by an officer appointed by them, to be called and in this Act referred to as the "registrar," a book or register to be known as "The British Columbia Medical Register" (hereinafter called the "register"), in which shall be entered the name of every member of the College. R.S. 1911, c. 155, s. 23.

Registration of licentiates.

23. Only those persons whose names are inscribed in the register shall be deemed to be qualified and licensed to practise medicine, surgery, and midwifery in this Province. R.S. 1911, c. 155, s. 24.

Register to be open to inspection.

24. The register shall at all times be open and subject to inspection by any registered voter in the Province. R.S. 1911, c. 155, s. 25.

Registration of persons registered under prior Acts.

25. Any person who was duly registered in "The British Columbia Medical Register," under the "Medical Act, 1898," or any Act relating to the medical profession on the twelfth day of March, 1909, shall be deemed to be registered under this Act. R.S. 1911, c. 155, s. 26.

26. Every person who possesses one or more of the following qualifications shall, upon complying with the requirements herein-after stated and upon payment of the fees to be fixed for each particular class by by-law of the Council, be entitled to be registered, on producing to the registrar the documents proving such qualifications and upon payment of the fees fixed by the Council, not to exceed one hundred dollars, that is to say:—

Qualifications for registration.

- (a.) Every person who, on the twelfth day of March, 1909, was entitled to be so registered:
- (b.) Every person mentioned in chapter 48 of the Acts of Parliament of the United Kingdom, passed in the forty-ninth and fiftieth years of the reign of Her late Majesty Queen Victoria, duly registered under that Act prior to and inclusive of the thirtieth day of June, 1887, upon complying with the orders, regulations, or by-laws of the Council, and giving due proof of such registration, and that the person applying for registration has not lost the benefit of the same by reason of misconduct or otherwise:
- (c.) Any person who produces from any college or school of medicine and surgery, requiring at least four years' course of study, a diploma of qualification: Provided that the applicant shall furnish to the Council satisfactory evidence of identification and pass before the members thereof, or such of them as may be appointed for the purpose, or before a Board of Examiners to be appointed by the Council, a satisfactory examination touching his fitness and capacity to practise as a physician and surgeon; and that as to every person beginning the study of medicine after the first day of January, 1912, the diploma or qualification which he is required to produce shall be one from a college or school of medicine and surgery which requires at least five years' course of study. R.S. 1911, c. 155, s. 28.

27. The Council may admit to registration medical practitioners duly registered in the medical register of Great Britain, or in any register of persons entitled to practise in any part of the British Empire, upon such terms and conditions as the Council may from time to time deem expedient, having regard not only to the qualification of applicants for registration, but also to such rules, regulations, and conditions as may be from time to time in force regarding the reciprocal admission to the medical register of Great Britain or other register as aforesaid of medical practitioners registered according to the provisions of this Act. 1916, c. 40, s. 2.

Power to admit medical practitioners registered in any part of British Empire.

28. The provisions of the "Canada Medical Act," chapter 137 of the "Revised Statutes of Canada, 1906," and the amending Act thereto, being 1-2 George V., chapter 16 of the Statutes of Canada, are hereby declared to be accepted and to have the force of law and

Provisions of "Canada Medical Act" accepted.

to be binding upon The College of Physicians and Surgeons of British Columbia as therein provided, and as is herein provided in pursuance of the said Acts. 1912, c. 23, s. 2.

Admission of persons whose names appear on Canadian Medical Register.

29. The Council shall admit upon the register every person who is duly registered and whose name appears upon the Canadian Medical Register in pursuance of the said "Canada Medical Act" and amending Act, upon paying the fees to be fixed, complying with the orders, regulations, or by-laws of the Council, and giving due proof of such registration and that the person applying for registration has not lost the benefit of the same by reason of misconduct or otherwise. 1912, c. 23, s. 3; 1920, c. 55, s. 3.

Application of this Act preserved.

30. Every person registered by reason of registration upon the Canadian Medical Register and in compliance with this Act shall be thereafter subject to all the provisions of this Act and in the same position as if registered in ordinary course upon The British Columbia Medical Register; and the admitting to registration of persons because of their being upon the Canadian Medical Register as aforesaid shall not be deemed or construed as taking from or impairing in any way the powers, privileges, or authority conferred upon the College under this Act, and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, the right amongst other things of admitting to registration upon The British Columbia Medical Register of persons otherwise qualified under the provisions of this Act. 1912, c. 23, s. 5.

Power to withdraw from Medical Council of Canada.

31. The Council may, in pursuance of and in the exercise of the powers granted by section 13 of said amending Act, 1-2 George V., chapter 16 of the Statutes of Canada, at any time order the withdrawal of the representation of The College of Physicians and Surgeons of British Columbia upon the Medical Council of Canada by a resolution passed at a general or special meeting of the Council called for the purpose, and carried by the vote of two-thirds of the members present at the meeting, and notice of which resolution has been inserted for three months previously in the Canada Gazette; and in the case of such resolution being passed, the provisions of the "Canada Medical Act," chapter 137 of the "Revised Statutes of Canada, 1906," and of the amending Act thereto, being 1-2 George V., chapter 16 of the Statutes of Canada, shall immediately cease to apply to The College of Physicians and Surgeons of British Columbia, and the right in any person to obtain registration by reason of being upon the Canadian Medical Register shall be at an end, notwithstanding any provision in this Act contained, and no more persons shall be given the right to practise medicine within the Province of British Columbia by reason of their qualification or registration upon the Canadian Medical Register under the provisions of the before-recited Statutes of Canada. 1912, c. 23, s. 4.

32. (1.) Nothing in this Act shall prevent or prohibit any duly qualified osteopath from practising his profession for reward or gain within the Province: Registration of osteopaths.

Provided that all practitioners of osteopathy within the meaning of this Act shall be duly qualified osteopaths of a recognized school or college of osteopathy, and for the purpose of this Act a recognized school or college of osteopathy shall be deemed to be an institution recognized by the American Osteopathic Association:

Provided further that before any such osteopath shall be lawfully entitled to practise osteopathy within the Province, such osteopath shall take and successfully pass an examination satisfactory to the Council in the following subjects: Anatomy, physiology, chemistry, toxicology, pathology, bacteriology, histology, neurology, physical diagnosis, obstetrics, gynecology, minor surgery, hygiene, medical jurisprudence, principles and practice of osteopathy.

(2.) The Council, for the purpose of such examination of applicants for registration as osteopaths under this Act, shall appoint an osteopath, who shall prescribe the examination for such applicants in relation to the principles and practice of osteopathy.

(3.) Any duly qualified osteopath who successfully passes such examination to the satisfaction of the Council shall be entitled to be registered under this Act as a member of the College:

Provided that such osteopath shall be restricted wholly to the practice of osteopathy. R.S. 1911, c. 155, s. 29.

33. (1.) Nothing in this Act shall prevent or prohibit any duly qualified chiropractor from practising his profession for reward or gain within the Province: Registration of chiropractors.

Provided that all practitioners of chiropractic within the meaning of this Act shall be duly qualified chiropractors of a recognized school or college of chiropractic, and for the purpose of this Act a recognized school or college of chiropractic shall be deemed to be an institution which teaches a residence course of three years of six months each or more:

Provided further that before any such chiropractor shall be lawfully entitled to practise chiropractic within the Province, such chiropractor shall take and successfully pass an examination satisfactory to the Examining Board, hereinafter defined, on the following subjects: Anatomy, physiology, chemistry, pathology, histology, neurology, physical diagnosis, gynecology, hygiene, principles and practice of chiropractic.

(2.) All applicants for examination for registration to practise chiropractic shall pass an examination to be set by an Examining Board consisting of five members, who shall be appointed annually as follows: Two duly qualified members of The College of Physicians and Surgeons of British Columbia in good standing; two duly qualified chiropractors as defined in the first proviso to subsection (1); said members of The College of Physicians and Surgeons and said chiro-

practicers to be appointed by the Senate of the University of British Columbia; and a fifth member, who shall be a duly qualified member of The College of Physicians and Surgeons of British Columbia in good standing, to be appointed by the Chief Justice of the Court of Appeal; said five members so appointed to constitute the Examining Board. The said Examining Board shall decide whether any applicant for examination is a duly qualified chiropractor as hereinbefore mentioned, and shall determine all questions with reference to the preparation and examination of papers in the subjects specified in this section, and shall decide as to whether or not any applicant has duly passed, and shall communicate its decision to the registrar of the College. Three members of the Examining Board shall constitute a quorum, and the decision of a majority of the members present at any meeting shall be final and conclusive. The Senate of the University of British Columbia shall have full power to pass all necessary regulations for the holding of examinations under this section.

(3.) Any duly qualified chiropractor who successfully passes such examination to the satisfaction of the Examining Board shall be entitled to be registered under this Act as a member of the College:

Provided that such chiropractor shall be restricted wholly to the practice of chiropractic. 1922, c. 48, s. 3.

Registration of
drugless physicians.

34. (1.) Nothing in this Act shall prevent or prohibit any duly qualified drugless physician from practising his profession for reward or gain within the Province:

Provided that all drugless physicians within the meaning of this Act shall be duly qualified drugless physicians of a recognized school or college of drugless physicians, and for the purpose of this Act a recognized school or college of drugless physicians shall be deemed to be an institution which teaches a residence course of three years of six months each or more:

Provided further that before any such drugless physician shall be lawfully entitled to practise as a drugless physician within the Province, such drugless physician shall take and successfully pass an examination satisfactory to the Council on the following subjects: Anatomy, physiology, chemistry, pathology, histology, neurology, physical diagnosis, gynecology, hygiene, medical jurisprudence, principles and practice of drugless physicians.

(2.) The Council, for the purpose of such examination of applicants for registration as drugless physicians under this Act, shall appoint a drugless physician, who shall prescribe the examination for such applicants in relation to the principles and practice of drugless physicians.

(3.) Any duly qualified drugless physician who successfully passes such examination to the satisfaction of the Council shall be entitled to be registered under this Act as a member of the College.

Provided that such drugless physician shall be restricted wholly to the practice of a drugless physician. 1921, c. 38, s. 2.

35. (1.) Any homeopathic physician holding a diploma of qualification from any recognized school or college requiring at least a four years' course of study, which has been undergone by the applicant, may be registered under this Act after taking and successfully passing an examination in the following subjects: Anatomy, physiology, chemistry, pathology, bacteriology, hygiene, obstetrics, gynecology, principles and practice of medicine, materia medica, clinical diagnosis, and principles and practice of surgery. Registration of homeopaths.

(2.) The Council, for the purpose of such examination of applicants for registration as a homeopath under this Act, shall appoint a homeopath as an examiner, who shall prescribe the examination for such applicant in relation to the subjects of materia medica and the principles and practice of medicine.

(3.) Any duly qualified homeopath who successfully passes such examination to the satisfaction of the Council shall be entitled to be registered under this Act as a member of the College:

Provided that such homeopath shall be restricted wholly to the practice of homeopathy. R.S. 1911, c. 155, s. 30.

36. It shall be the duty of the registrar to keep his register correct in accordance with the provisions of this Act, and the rules, orders, and regulations of the Council, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act. Keeping of register. R.S. 1911, c. 155, s. 31.

37. The registrar shall mail to each member of the College an annual report, which shall include a financial statement, and perform such other duties as may be imposed upon by him by the Council. Duties of registrar. R.S. 1911, c. 155, s. 32.

38. (1.) Each member of the College shall pay to the registrar, or to any person deputed by the registrar to receive it, such annual fee as may be determined by by-law of the Council, not less than two dollars and fifty cents and not more than ten dollars, towards the general expense of the College, which annual fee shall be payable on the first day of January in the year for which the same is imposed, and each member shall obtain annually a certificate, under the seal of the College, stating his qualifications to practise, and that the certificate is in force for one year from its date. Annual fees.

(2.) The annual fee shall be a debt deemed to be due by the member to the College, and shall be recoverable, with costs of suit, in the name of the College, in any Court having jurisdiction at the place where the member resides; and such fee shall be paid by each member of the College so long as his name is in the register, whether he is resident in the Province or not, or whether he is practising

or not: Provided that any member of the College may at his own request, in writing, have his name removed from the register, and any member whose name has been so removed may have his name replaced on the register on his written request, without any examination, by paying to the College all annual fees which would have been payable by him if his name had not been removed. R.S. 1911, c. 155, s. 33.

Regulation of register, fees, and standard of matriculation.

39. (1.) The Council shall from time to time, as occasion may require, make orders, regulations, or by-laws for regulating the register to be kept under this Act and the fee to be paid for registration.

(2.) The Council may from time to time make orders, regulations, or by-laws for determining or fixing a standard of qualifications or conditions to be complied with as preliminary to or necessary for matriculation in the study of medicine and surgery, and for the granting of certificates of qualification thereunder. The requirements of the standard so determined or fixed shall be those or equivalent to those of any standard of:—

(a.) Junior matriculation in arts of the University of British Columbia, or any standard of matriculation accepted by that University as being equivalent to its standard of junior matriculation in arts; or

(b.) Matriculation in arts or medicine at any university in the Dominion recognized by the Council. R.S. 1911, c. 155, s. 34; 1920, c. 55, s. 2.

Registration of change of residence or qualification.

40. Every person registered under this Act who changes his residence, or obtains a higher degree, or any qualification other than the qualification in respect of which he has been registered, shall be entitled to have such change of residence, higher degree, or additional qualification inserted in the register, in substitution for or in addition to the residence qualification previously registered, on the payment of such fees as the Council may appoint. R.S. 1911, c. 155, s. 35.

Evidence in support of registration.

41. No qualification shall be entered on the register, either on the first registration or by way of addition to a registered name, unless the registrar is satisfied by proper evidence that the person claiming it is entitled to it; and any appeal from the decision of the registrar may be decided by the Council. R.S. 1911, c. 155, s. 36.

Refusal of registration until proper evidence produced.

42. In the event of the registrar being dissatisfied with the evidence adduced by the person claiming to be registered, he shall have power, subject to an appeal to the Council, of refusing registration until the person claiming to be registered has furnished proper evidence, to the satisfaction of the Council. R.S. 1911, c. 155, s. 37.

43. If the registrar makes, or causes to be made, any wilful falsification in any matter relating to the register, he shall, on summary conviction, be liable to a penalty of fifty dollars and shall be disqualified from again holding that position. R.S. 1911, c. 155, s. 38.

Penalty for falsifying register.

Forfeiture of Right of Registration—Erasure of Names.

44. Any entry in the register proved to the satisfaction of the Council to have been fraudulently or incorrectly made may be erased from the register by an order in writing of the Council. R.S. 1911, c. 155, s. 39.

Erasure of entries in register.

45. If any person procures, or causes to be procured, his registration under this Act by means of false or fraudulent representations or declaration, either verbally or in writing, it shall be lawful for the registrar, upon the receipt of sufficient evidence of the falsity or fraudulent character of the representations or declaration, to represent the matter to the Council, and upon the written order of the president, attested by the seal of the College, to erase the name of the person from the register, and to make known the fact and cause of such erasure by notice to be published in the Gazette; and after such notice has appeared, the person whose name has been erased shall cease to be a member of the College and shall cease to enjoy any of the privileges enjoyed or conferred by registration under this Act at any future time, without the express sanction of the Council. R.S. 1911, c. 155, s. 40.

Erasure of registration procured by false representations.

46. (1.) Any person registered under this Act who is convicted in any Court of justice, either in this Province or elsewhere, of any indictable offence shall thereby forfeit the right to registration, and by direction of the Council his name may be erased from the register; and in case a person known to have been convicted of an indictable offence presents himself for registration, the registrar shall have power to refuse registration, unless the Council, after investigation, directs registration to be made.

Conviction of indictable offence.

(2.) If any person registered under this Act is, after due inquiry by the Council, adjudged to have been guilty of infamous or unprofessional conduct in any respect, the Council shall direct the registrar to suspend the registration of such person for such time as the Council thinks expedient, or to erase the name of such person from the register. R.S. 1911, c. 155, s. 41; 1922, c. 48, s. 4.

Infamous or unprofessional conduct.

47. (1.) The Council may, and upon receipt of a written statement signed by three members of the College or by a Magistrate, that the matter is one worthy of inquiry, shall, cause inquiry to be made into the case of the person alleged to be liable to have his registration suspended, or his name erased under the last preceding section, and on proof of such conviction or of such infamous or unprofessional conduct shall cause the registration of such person

Provisions for inquiry by Council.

to be suspended, or the name of such person to be erased from the register.

(2.) The Council shall cause, where the inquiry was called for by written statement as aforesaid, to be filed with the Provincial Secretary the synopsis of all proceedings, including minutes of evidence had or taken by or before the Council, in connection with any application against a person registered under this Act for infamous or unprofessional conduct, and such minutes shall be filed within thirty days after the determination of the Council thereon.

(3.) Provided that the registration of a person shall not be suspended and the name of a person shall not be erased under this or the last preceding section on account of a conviction for a political offence, nor on account of a conviction for an offence which, though within the provisions of the last preceding section, ought not, in the opinion of the Council, either from the trivial nature of the offence or from the circumstances under which it was committed, to disqualify a person practising under this Act.

(4.) It shall be deemed "unprofessional conduct" on the part of any medical practitioner registered under this Act to place or permit to be placed the name of any druggist, or drug-store, or association for the sale of drugs or medicine upon any prescription issued by him. R.S. 1911, c. 155, s. 42; 1922, c. 48, s. 5.

Costs of person vexatiously charged may be paid.

48. The Council may order to be paid out of any funds at its disposal such costs, as to it may seem just, to any person against whom any complaint has been made, which, when finally determined, is found to have been frivolous and vexatious. R.S. 1911, c. 155, s. 43.

Reinstatement of registration.

49. Where the Council directs the erasure from the register of the name of any person or of any other entry, the name of that person or that entry shall not be again entered on the register except by the direction of the Council, or by the order of a Judge of the Supreme Court, or the Court of Appeal, on an appeal as hereinafter provided. R.S. 1911, c. 155, s. 44.

Fees on reinstatement.

50. If the Council thinks fit, in any case, it may direct the registrar to restore to the register any name or entry erased therefrom, either without fee, or on payment of such fee, not exceeding the registration fee, as the Council may from time to time fix, and the registrar shall restore the same accordingly. R.S. 1911, c. 155, s. 45.

Report by executive committee leading to erasure or reinstatement.

51. The Council shall, for the purpose of exercising in any case the powers of suspending the registration of any person, or of erasing from and of restoring to the register the name of any person or any entry, ascertain the facts of the case by the executive committee; and a written report of the executive committee may be acted upon as to the facts therein stated for the purpose of the exercise of the said powers by the Council. R.S. 1911, c. 155, s. 46; 1922, c. 48, s. 6.

52. The executive committee shall meet from time to time for the dispatch of business, and, subject to the provisions of this Act and of any regulations from time to time made by the Council, may regulate the summoning, notice, place, management, and adjournment of its meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business, including the quorum; and if there is a quorum the executive committee may act, notwithstanding any vacancy in its body. In case of a vacancy, the executive committee may appoint a member of the Council to fill the vacancy until the next meeting of the Council. R.S. 1911, c. 155, s. 47.

Meetings of executive committee.

53. The Council or the executive committee may, in the hearing of complaints or making inquiries as herein set out, associate with themselves as a member of the Council or committee one of the Judges of the County Court, who shall be entitled to a fee of twenty-five dollars out of the funds of the College for each day he sits as a member of the Council or committee, and may employ, at the expense of the College, such legal or other assistance as the Council may think necessary or proper; and the complainant, or the person whose conduct is the subject of inquiry, shall also have the right to be represented by counsel. R.S. 1911, c. 155, s. 48.

County Court Judge as associate member of Council or committee.

54. At least two weeks before the first meeting of the executive committee to be held for taking the evidence or otherwise ascertaining the facts, a notice shall be served upon the person whose conduct is the subject of inquiry, and the notice shall embody a copy of the charges made against him, or a statement of the subject-matter of the inquiry, and shall also specify the time and place of the meeting. The testimony of witnesses shall be taken under oath, which the chairman or acting-chairman of the committee is hereby authorized to administer, and there shall be full right to cross-examine all witnesses called, and to call evidence in defence and reply. In the event of the non-attendance of the person whose conduct is the subject of inquiry, the committee may, upon proof of personal service of the notice in accordance with the provisions of this section, which proof of service may be by statutory declaration, proceed with the subject-matter of the inquiry in his absence, and make its report of the facts without further notice to such person. R.S. 1911, c. 155, s. 49.

Notice of hearing and procedure.

55. No action shall be brought against the Council or the executive committee for anything done bona fide under this Act, notwithstanding any want of form in the proceedings. R.S. 1911, c. 155, s. 50.

Protection of Council and executive committee.

56. The complainant, or any person whose registration has been suspended, or whose name has been ordered to be erased from the register, may appeal from the decision of the Council to any Judge

Appeal.

of the Supreme Court at any time within three months from the date of such decision; and the Judge may, upon the hearing of the appeal, reverse, alter, amend, order further inquiries by the committee or Council into the facts of the case, or make such other order, either as to costs or otherwise in the premises, as to the Judge may seem right. An appeal shall lie from the decision of the Judge to the Court of Appeal within three months thereafter, and the Court of Appeal shall have all the powers which may by this Act be exercised either by the executive committee or Council or the Judge appealed from. R.S. 1911, c. 155, s. 51; 1922, c. 48, s. 7.

Notice of appeal and appeal-book.

57. The appeal may be by notice served upon the registrar, and shall be founded upon a copy of the proceedings before the committee, the evidence taken, the committee's report, the order of the Council in the matter, the reasons therefor, certified by the registrar; and the registrar shall, upon the request of any person desiring to appeal, furnish to him a certified copy of all proceedings, reports, orders, reasons, opinions, and papers upon which the committee or Council has acted in making the order complained of: Provided that where the evidence on the inquiry was taken by a stenographer the registrar shall not be compelled to furnish the same, but the person desiring to appeal shall obtain the same from the stenographer. R.S. 1911, c. 155, s. 52.

Appeal to be heard on merits.

58. No appeal herein, of which notice within the time-limit aforesaid has been given, shall be defeated upon any ground whatsoever, but shall be heard and determined by the Judge or the Court of Appeal, as the case may be, upon the merits. R.S. 1911, c. 155, s. 53.

Evidence of Registration and of Practice for Gain.

Burden of proof as to registration.

59. In any trial under this Act the burden of proof as to registration shall be upon the person charged. R.S. 1911, c. 155, s. 54.

Proof of registration.

60. In all cases where proof of registration under this Act is required to be made, the production of a certificate that the person or persons therein named is or are duly registered, certified under the hand of the registrar of the Council and the seal of the College, shall be sufficient evidence of such registration in lieu of production of the original register; and any such certificate purporting to be signed by any person in the capacity of registrar of the Council under this Act shall be prima facie evidence that such person is the registrar, without any proof of his signature or of his being in fact the registrar. R.S. 1911, c. 155, s. 55.

Printed register.

61. The registrar shall from time to time, under the direction of the Council, cause to be printed and published a correct register in the form in the First Schedule, or to the like effect, of the names of all persons appearing on the register, as existing on the day of pub-

lication, in alphabetical order according to their surnames, with their respective residences, and showing the medical titles, diplomas, and qualifications conferred by any college or body, and the dates thereof. R.S. 1911, c. 155, s. 56.

62. A copy of such register for the time being purporting to be so printed and published as aforesaid shall be prima facie evidence in all Courts, and before all Justices and others, that the persons therein specified are registered according to the provisions of this Act. R.S. 1911, c. 155, s. 57.

Copy of printed register as evidence.

63. 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 Council and the seal of the College, 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 Act. R.S. 1911, c. 155, s. 58.

Certificate of registration.

64. Except as in the last preceding section mentioned, the absence of the name of any person from such copy shall be prima facie evidence that the person is not registered according to the provisions of this Act. R.S. 1911, c. 155, s. 59.

Absence of name from printed copy of register prima facie evidence of non-registration.

65. Every person registered under the provisions of this Act shall be entitled, according to his qualifications, to practise medicine, surgery, or midwifery, or any of them, as the case may be, in this Province, and to demand and recover in any Court of law, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the cost of any medicine or other medical appliances rendered or supplied by him to his patients. R.S. 1911, c. 155, s. 60.

Action for fees for professional services.

66. Any person entitled to be registered under this Act, but who neglects or omits to be so registered, shall not be entitled to any of the rights or privileges conferred by registration under the provisions of this Act so long as such neglect or omission continues; and he shall be liable to all the penalties imposed by this Act or by any other Act in force against unqualified or unregistered practitioners. R.S. 1911, c. 155, s. 61.

Effect of neglect to register.

67. It shall not be lawful for any person not registered to practise medicine, surgery, or midwifery for hire, gain, or hope of reward, whether promised, received, or accepted, either directly or indirectly. R.S. 1911, c. 155, s. 62.

Practice by unregistered persons forbidden.

68. Any person shall be held to practise medicine within the meaning of this Act who:—

“Practise medicine.” Interpretation.

- (a.) By advertisement, sign, or statement of any kind, alleges ability or willingness to diagnose or treat any human diseases, ills, deformities, defects, or injuries:

(b.) Advertises or claims ability or willingness to prescribe or administer, or who prescribes or administers, any drug, medicine, treatment, or performs any operation, manipulation, or applies any apparatus or appliance for the cure or treatment of any human disease, defect, deformity, or injury:

(c.) Acts as the agent, assistant, or associate of any person, firm, or corporation in the practice of medicine as hereinbefore set out:

Provided that this section shall not apply to the practice of dentistry or pharmacy, or to the usual business of opticians, or to vendors of dental or surgical instruments, apparatus, and appliances, or to the ordinary calling of nursing, or to the ordinary business of chiropodist, or bath attendant, or to the proprietor of a bath. R.S. 1911, c. 155, s. 63.

Medical aid, not for gain, may be given.

69. Nothing in this Act shall prevent private persons from giving necessary medical or surgical aid in times of urgent need. R.S. 1911, c. 155, s. 64.

Unregistered persons cannot recover fees.

70. No person shall be entitled to recover any charge in any Court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine that he may have prescribed or supplied, unless at the time he rendered such services or supplied such medicine or materials he was registered under this Act; but this section shall not extend to the sale of any drug or medicine by any duly licensed chemist or druggist. R.S. 1911, c. 155, s. 65.

General Provisions.

Practitioners not to use trade or corporation names.

71. No member of the College shall, in the practice of medicine, surgery, or midwifery, use any trade-name or designation, or corporate name, or any distinguishing name for any premises in which he carries on the practice of his profession, but every such member shall, for all purposes in connection with his profession, use his own proper name: Provided that the Lieutenant-Governor in Council may at any time allow a private hospital or sanatorium to be conducted under such name or style as he may consider proper; and that this section shall not apply to hospitals or sanatoriums supported in whole or in part by the Province, or by municipalities, or by charitable associations. R.S. 1911, c. 155, s. 66.

Only licentiates to be appointed to certain offices.

72. No person shall be appointed as a medical officer, physician, or surgeon in any branch of the public service of the Province, or as house surgeon or house physician in any hospital or other charitable institution, unless he is registered under the provisions of this Act, or holds an interim certificate of qualification, which certificate shall be granted by the executive committee of the College, if

requested by the Lieutenant-Governor in Council, in respect of a medical appointment to the Provincial Public Service, or by the governing body of the hospital or other charitable institution, and shall hold good until the next regular examination of the College, and shall carry with it all the rights and privileges of a registration under the provisions of this Act for the time covered by the certificate. R.S. 1911, c. 155, s. 67.

73. No medical certificate required by any Act from any physician or surgeon or medical practitioner shall be valid unless the person signing the same is registered under this Act. R.S. 1911, c. 155, s. 68.

Medical certificates by unregistered persons invalid.

74. The expression "legally qualified medical practitioner," or the expression "duly qualified medical practitioner," or any other words or expression importing legal recognition of any person as a medical practitioner or member of the medical profession, when used in any Act or law, shall, in so far as such Act or law applies to this Province, be construed to mean a person registered under this Act. R.S. 1911, c. 155, s. 69.

"Legally qualified medical practitioner." Interpretation.

75. Every person who is registered under the provisions of this Act shall be exempt, if he so desires, from serving on all juries and inquests whatsoever. R.S. 1911, c. 155, s. 70.

Exemption from jury service.

76. No duly registered member of the College shall be liable in any action for negligence or malpractice by reason of professional services requested or rendered, unless the action is commenced within one year from the date when, in the matter complained of, the professional services terminated, but the provisions of this section shall not apply to complaints preferred under section 47, and any inquiry under that section may be had within two years from the date when, in the matter complained of, the professional services terminated. R.S. 1911, c. 155, s. 71.

Limitation of actions for negligence or malpractice.

77. If any person wilfully procures, or attempts to procure, himself to be registered under this Act by making any false or fraudulent representation or declaration, either verbally or in writing, he shall, on summary conviction, incur a penalty not exceeding one hundred dollars; and every person knowingly aiding or assisting him therein shall, on summary conviction, incur a penalty of not less than twenty nor more than fifty dollars. R.S. 1911, c. 155, s. 72.

Penalty for fraudulently procuring registration.

78. If any person, not registered pursuant to this Act, for hire, gain, or hope of reward, whether promised, received, or accepted, either directly or indirectly, practises or professes to practise medicine, surgery, or midwifery, he shall, on summary conviction, forfeit and pay for the first offence a penalty not exceeding one hundred

Penalty for practising without registration.

dollars, for the second offence a penalty not exceeding two hundred and fifty dollars, and for a third or any subsequent offence be liable to imprisonment in the common gaol for a period not exceeding three months, without the option of a fine. R.S. 1911, c. 155, s. 73.

Penalty for practising with unregistered person.

79. In case a member of the College practises medicine in partnership with, or under a contract with, or as a business associate of, any person not a member of the College, or does any act to enable any such person to practise medicine, surgery, or midwifery, both parties to such partnership, contract, or arrangement shall be liable, on summary conviction, to a penalty not exceeding one hundred dollars and not less than twenty-five dollars, and any member of the College convicted under this section shall have his name erased from the register by the Council. R.S. 1911, c. 155, s. 74.

Penalty for falsely pretending to be a physician.

80. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon, or general practitioner, or assumes any title, addition, or description other than he actually possesses and is legally entitled to, or who commits any breach of section 67 or 71, shall be liable, on summary conviction, to a penalty not exceeding fifty dollars nor less than ten dollars, and to be removed from the register by the Council. R.S. 1911, c. 155, s. 75.

Penalty for wrongfully using name implying registration.

81. Any person not registered, pursuant to this Act, who takes or uses any name, title, addition, or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur, or a licentiate in medicine, surgery, or midwifery, shall be liable, on summary conviction, to pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars. R.S. 1911, c. 155, s. 76.

Application of penalties.

82. All penalties recoverable under this Act shall be paid to the convicting Justice, and by him paid to the registrar of the Council, and shall form part of the funds thereof. R.S. 1911, c. 155, s. 77.

Prosecutor.

83. Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalties recovered as may be expedient towards the payment of the costs of the prosecution. R.S. 1911, c. 155, s. 80.

Staying proceedings.

84. The Council, by an order signed by the president, having the seal of the College appended thereto, may stay proceedings in any prosecution under this Act where it is deemed expedient. R.S. 1911, c. 155, s. 83.

Funds.

85. All moneys forming part of the Council funds shall be paid to the treasurer and may be applied to carry this Act into execution. R.S. 1911, c. 155, s. 84.

Subjects for Anatomy.

86. The body of any person found dead, publicly exposed, or who immediately before death had been supported in and by any public hospital receiving pecuniary aid from the Province may, unless the person so dying otherwise directed, be delivered to persons qualified as hereinafter mentioned, for the purpose of dissection; but if the body is claimed within the usual period of interment by bona-fide friends or relatives, the body shall be delivered to them; or if the person otherwise directed as aforesaid before death, the body shall be decently interred. R.S. 1911, c. 155, s. 85.

Subjects for anatomy.

87. The persons qualified to receive such unclaimed bodies shall be such medical practitioners as are duly qualified to practise and are actually practising under the provisions of this Act, who may require such bodies for dissection, either for their own improvement or the instruction of any student or students under them, or to the teachers of surgery and anatomy in any public or private school, college, society, or faculty of medicine or surgery established in this Province. R.S. 1911, c. 155, s. 86.

Persons entitled to receive such subjects.

88. The person in charge of each public hospital, and the Coroner of each district, shall forward to the registrar the name, age, sex, and birthplace (if it can be ascertained) and date of death of all persons whose unclaimed bodies are given up by him respectively for dissection under this Act, within one week from the time of giving up such bodies as aforesaid. R.S. 1911, c. 155, s. 87.

Particulars as to unclaimed bodies furnished for dissection.

89. It shall be the duty of the registrar to enter in a book to be kept for that purpose by him the name and residence of all medical practitioners qualified to receive and desirous of receiving bodies for dissection, and also to enter from the returns forwarded to him by the persons in charge of public hospitals, and by the Coroners, in a register to be kept for that purpose, the name, age, sex, birthplace, and date of death of all persons as mentioned in such returns, with the name and place of residence of the practitioner to whom the body was delivered as aforesaid. R.S. 1911, c. 155, s. 88.

Record of subjects and persons to whom delivered.

90. Such returns, book, and register shall be open at all reasonable hours for the inspection of any person who may desire to inspect the same, on payment of a fee of fifty cents. R.S. 1911, c. 155, s. 89.

Record to be open for inspection.

91. The persons in charge of public hospitals and the Coroners shall make an impartial distribution of the bodies in rotation, according to the actual wants of the applicants. R.S. 1911, c. 155, s. 90.

Distribution of subjects.

92. On delivery of each unclaimed body as aforesaid, the person in charge of the hospital, or the Coroner, as the case may be, shall take from the medical practitioner receiving the body a receipt in Form A in the Second Schedule, and such practitioner shall pay the

Receipt for subjects.

sum of ten dollars to the person from whom he receives the body, and take a receipt therefor in Form B in the Second Schedule, and such sum shall in every case be applied towards the support and maintenance of the public hospitals in the Province. R.S. 1911, c. 155, s. 91.

Delivery of subjects by Coroners.

93. The Coroner who presides at the inquest on any body found publicly exposed, and unclaimed by bona-fide friends or relatives, may deliver up the body to any medical practitioner (on application by him) duly qualified to receive the same under this Act. R.S. 1911, c. 155, s. 92.

Security to be given by persons desiring to receive subjects.

94. Every medical practitioner wishing to avail himself of the benefits of sections 86, 87, 89, 91, and 92 shall appear before a Justice and give security, himself in the sum of one hundred dollars and two sureties in the sum of fifty dollars each, for the decent interment of the bodies after they have served the purposes required. R.S. 1911, c. 155, s. 93.

Notices.

Form and service of notices.

95. Any notice required by this Act shall be in writing, and may be served on any member of the College by sending it through the post in a prepaid letter addressed to the member at his residence, as set out in the register. Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put in the post-office. R.S. 1911, c. 155, s. 94.

SCHEDULES.

FIRST SCHEDULE.

(Section 61.)

REGISTER.

No.	Name.	Residence.	Date of Graduation.	Where graduated.	Qualification registered.	Date of Registration.	Remarks.

SECOND SCHEDULE.

(Section 92.)

FORM A.

Received from _____, Coroner [*or person, etc.*], the body of [*name, age, sex, etc.*] for the purpose of dissection and anatomical instruction.

Dated this _____ day of _____, 19 . .

FORM B.

Received of [*medical practitioner's name*] the sum of _____ dollars for the body of [*name, age, sex, etc.*], and I hereby certify that the said body has not been claimed by bona-fide friends or relatives.

Dated this _____ day of _____, 19 . .

Witness :

R.S. 1911, c. 155, Sch. 2.

VICTORIA, B.C. :

Printed by CHARLES F. BANFIELD, Printer to the King's Most Excellent Majesty.
1924.