

**1982/53**

## THE PODIATRISTS REGULATIONS 1982

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DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 15th day of March 1982

Present:

THE RIGHT HON. D. MACINTYRE PRESIDING IN COUNCIL

PURSUANT to section 40 of the Medical and Dental Auxiliaries Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Podiatrists Board</li> <li>4. Qualifications for registration</li> <li>5. Temporary registration of persons visiting New Zealand</li> </ol> | <ol style="list-style-type: none"> <li>6. Exceptions to statutory prohibition</li> <li>7. Misconduct</li> <li>8. Appeals</li> <li>9. Fees</li> <li>10. Revocations Schedules</li> </ol> |
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#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Podiatrists Regulations 1982.

(2) These regulations shall come into force on the 1st day of April 1982.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Medical and Dental Auxiliaries Act 1966:

“Advertising” means using written words, symbols, or pictures, in any manner whatever, so as to bring to the notice of any particular person or class of persons, or of the public, the fact that the services of a podiatrist are available; and “advertisement” has a corresponding meaning:

“Board” means the Podiatrists Board continued under regulation 3 of these regulations:

“Podiatry” means the prevention or treatment, for fee or reward, of any painful or deforming condition of the human foot by physical means other than means that should be used only by a medical practitioner:

“Register” means the Register of Podiatrists kept pursuant to section 19 of the Act; and “registered podiatrist” and “registration as a podiatrist” have corresponding meanings:

“Secretary” means the person appointed to be Secretary to the Podiatrists Board pursuant to section 8 of the Act:

“The Society” means the New Zealand Society of Podiatrists Incorporated.

**3. Podiatrists Board**—(1) The Board required by section 4 of the Act for the registrable occupation of podiatrist shall be the Board constituted by regulation 3 of the Chiropractors Regulations 1967\* under the name of the Chiropractors Board, which Board shall continue in existence under the name of the Podiatrists Board.

(2) The Board shall continue to consist of—

- (a) One person, being an officer of the Public Service employed in the Department of Health at the time of his appointment to the Board;
- (b) Three persons possessing qualifications entitling them to registration as podiatrists, being persons nominated by the Society, or nominated by such other association or society representing the interests of podiatrists or any class of podiatrists as may be approved by the Minister for the purpose;
- (c) A medical practitioner, nominated jointly by the New Zealand Medical Association and the Executive Committee of the New Zealand Orthopaedic Association, or (in the absence of a joint nomination) either by that Medical Association or that Committee.

**4. Qualifications for registration**—(1) Subject to section 17 of the Act, every person shall be entitled to registration as a podiatrist who satisfies the Board—

- (a) That he is registered, or possesses sufficient qualifications for registration, as a State registered podiatrist in the United Kingdom; or
- (b) That he has successfully completed a course of training, either in New Zealand or elsewhere, which, in the opinion of the Board, is substantially equivalent to the course of training that he would be required to have completed if he were seeking registration as a State registered podiatrist in the United Kingdom; or
- (c) That he has undergone training in podiatry, whether in New Zealand or elsewhere, for a period of 3 years, beginning after the 2nd day of October 1965 and before the 1st day of December 1969, and has achieved an adequate standard of competence therein; or
- (d) That he has undergone the appropriate course of training and passed the appropriate examination or examinations prescribed in respect of persons seeking registration as podiatrists by any other regulations under the Act, or prescribed and conducted, with the approval of the Board, under the Vocational Awards Act 1979 or the Education Act 1964; or

- (e) That he has undergone elsewhere than in New Zealand a course of training in podiatry approved by the Board for the purposes of this paragraph, and has passed an examination in the theory and practice of podiatry that is either oral or written, or partly oral and partly written, conducted by or on behalf of the Board.
- (2) Every application for registration shall be in form 1 in the First Schedule to these regulations, and shall be accompanied by the documents indicated in that form and such other evidence as the Board may require.
- (3) The fee prescribed in respect of registration may accompany the application for registration or be paid at any date thereafter before the registration of the applicant.

#### **5. Temporary registration of persons visiting New Zealand—**

(1) Notwithstanding anything in these regulations, if the Board is satisfied that—

- (a) Any person is or will be temporarily visiting New Zealand and will be required to perform podiatry at any institution or place in New Zealand; and
- (b) That person has sufficient knowledge and experience for the efficient performance of podiatry in that institution or place, subject to such restrictions (if any) as the Board may specify,—
- the Board may issue to him a certificate of temporary registration entitling him to perform podiatry in that institution or place, subject to such restrictions (if any), and for such period, as may be specified in the certificate.

(2) The Board shall cause the name of every person to whom a certificate of temporary registration is issued under this regulation to be recorded in a separate part of the register.

(3) The provisions of sections 14 to 17 and section 19 of the Act shall apply to every application for temporary registration under this regulation, except that the application need not be made in the prescribed form.

(4) No fee shall be payable in respect of any application for temporary registration under this regulation or in respect of the issue of any certificate of temporary registration.

(5) The Board may from time to time, in its discretion, extend the period specified in any certificate under this regulation, if it is satisfied that the circumstances in which it was issued still subsist; and, in such a case, the extension shall be endorsed on the certificate, which for that purpose shall be surrendered by the holder to the Secretary.

(6) During the period specified in any such certificate, or any such extension thereof, the holder of the certificate shall, unless it has been cancelled under this regulation, be deemed for the purposes of the Act to be registered as a podiatrist.

(7) The Secretary shall cancel any such certificate at any time on the direction of the Board.

(8) Nothing in this regulation shall affect the liability under section 32 of the Act (as limited by regulation 6 of these regulations) of any person to whom any such certificate is issued in relation to the performance of podiatry outside the institution or place specified in the certificate.

**6. Exceptions to statutory prohibition—**Nothing in section 32 of the Act shall operate to prevent—

- (a) The performance of podiatry by a registered medical practitioner:
- (b) The performance of podiatry by a person in the employment of, or employed to assist, a registered medical practitioner or registered podiatrist and acting under the direct supervision of that registered medical practitioner or registered podiatrist:
- (c) The performance of podiatry by any person as part of a course of training for students seeking to qualify as medical practitioners or podiatrists:
- (d) The performance of physiotherapy by a person registered as a physiotherapist under the Physiotherapy Act 1949, or by a person in his employment or employed to assist him and acting under his control and instructions, or by any person as part of a course of training for students seeking to qualify as physiotherapists:
- (e) The performance of podiatry as a district nursing service within the meaning of the Social Security (District Nursing Services) Regulations 1964\*.

**7. Misconduct**—(1) It is hereby declared that advertising by a podiatrist shall be improper conduct for the purposes of Part III of the Act unless—

- (a) The form and the terms of the advertisement; and
- (b) The means and the occasions of the advertising—

are approved by the Board.

(2) The Board may grant its approval for the purposes of subclause (1) of this regulation either generally or in respect of a particular case.

(3) Nothing in this regulation shall limit the meaning of section 27 (1) (b) of the Act.

**8. Appeals**—(1) Where the Board makes a decision in respect of any person from which that person has a right of appeal under the Act, the Secretary shall forthwith inform that person of the Board's decision and of the reasons for it.

(2) If the person decides to appeal from that decision, he shall, within the time prescribed by section 35 of the Act, give to the Secretary notice of appeal in form 2 in the First Schedule to these regulations.

(3) As soon as practicable after receiving the notice of appeal, the Secretary shall inform the appellant of the name of the person appointed to act as assessor on behalf of the Board at the hearing and of the name of the barrister who will be the chairman of the Appeal Tribunal, and shall at the same time send to that barrister a copy of the Board's decision and of the notice of appeal.

(4) The Appeal Tribunal shall hear and determine the appeal at such convenient place and time as may be decided by the chairman.

(5) The chairman shall cause at least 7 days' notice of the place and time of hearing to be given to the assessors, the Board, and the appellant.

(6) Without limiting section 35 (7) of the Act, at the hearing of the appeal—

- (a) The appellant may himself appear and give evidence:
- (b) The appellant may either be heard in person or be represented by some other person or by a solicitor or counsel:
- (c) Evidence may be given on behalf of the Board by any person (whether a member thereof or not) appointed by the Board:

(d) Any such person may be heard on the Board's behalf, or the Board may be represented by a solicitor or counsel.

(7) The order made in respect of the appeal shall be in writing signed by at least 2 members of the Appeal Tribunal. A copy of the order shall be given to both the appellant and the Board; and the Board shall forthwith give effect to the order.

**9. Fees**—(1) The fee for registration as a podiatrist shall be \$20.

(2) The fee for a certificate of registration as a podiatrist shall be \$3.

(3) The fee for a provisional certificate entitling a person to perform podiatry shall be \$2.

(4) The fee for an annual licence issued to a registered podiatrist shall be \$20.

(5) The fee for any alteration in or addition to an entry in the register, other than a change of address or correction of an error for which the person registered is not responsible, shall be \$5.

(6) The fee for restoration of a name to the register under section 21 of the Act shall be \$5.

(7) The fee for inspection of the register shall be \$5.

(8) The fee for examination under regulation 4 (1) (g) of these regulations shall be \$25.

**10 Revocations**—The regulations specified in the Second Schedule to these regulations are hereby revoked.

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## SCHEDULES

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### FIRST SCHEDULE

#### FORMS

#### Form 1

Reg. 4 (2)

#### APPLICATION FOR REGISTRATION AS PODIATRIST

*(Note: When completing this form, strike out words that do not apply.)*

To the Secretary, Podiatrists Board, Wellington.

#### PART A

I hereby apply for registration as a podiatrist on the grounds that—

- (a) I am registered (or possess sufficient qualifications for registration) as a State registered podiatrist in the United Kingdom; or
- (b) I have successfully completed a course of training substantially equivalent to the course of training required for registration as a State registered podiatrist in the United Kingdom; or
- (c) I have undergone training in podiatry for a period of 3 years from the ..... day of ..... 19..... [*being a date after 2 October 1965*] to the ..... day of ..... 19..... [*being a date before 1 December 1969*], and have achieved an adequate standard of competence therein; or

FIRST SCHEDULE—*continued*

- (d) I have undergone a course of training, and have passed an examination(s), referred to in regulation 4 (1) (d) of the Podiatrists Regulations 1982; or
- (e) I have undergone a course of training, and have passed an examination in the theory and practice of podiatry, in accordance with regulation 4 (1) (e) of the Podiatrists Regulations 1982.

PART B

- 1. My full name is [*Block letters: Surname first*] .....
- 2. On obtaining registration my business address will be .....
- 3. The address to which communication should be sent pending registration is .....
- 4. My home address [*including number of house and name of street, where possible*] is .....
- 5. For the purpose of providing evidence of my personal character I enclose the names and addresses of two persons who would, if required, furnish a testimonial.

PART C

- 1. [*For persons applying under paragraph (a) of Part A of this form*]:
  - (a) My registration number in the United Kingdom is .....; and I enclose my certificate of registration or a letter from:
    - (i) The Medical Officer of Health [*District*] .....
    - (ii) The Secretary, New Zealand Society of Podiatrists, certifying that he has sighted my registration certificate; or
  - (b) I enclose [*such other evidence as the Board may specify*].
- 2. [*For persons applying under paragraph (b) of Part A of this form*]: I enclose particulars of my training and qualifications.
- 3. [*For persons applying under paragraph (c) of Part A of this form*]: I enclose a certificate (or certificates) signed by the person (or persons) by whom I was trained that I have undergone training in podiatry as stated by me and that I have achieved an adequate standard of competence therein.
- 4. [*For persons applying under paragraph (d) of Part A of this form*]: I enclose a certificate of training and a certificate that I have passed the prescribed examination(s).

I hereby certify that the information given above is true and correct in every particular.

Signature of Applicant: .....  
 Date: .....  
 Place: .....

NOTE: Fees: Registration	...	\$20
Certificate	...	\$ 3
Annual Licence	...	\$20



FIRST SCHEDULE—*continued*

## Form 2

Reg. 8 (2)

## NOTICE OF APPEAL

To the Secretary, Podiatrists Board, Wellington.

TAKE NOTICE that I [*Full name*] of [*Full postal address*], hereby appeal under section 35 of the Medical and Dental Auxiliaries Act 1966 against the decision of the Podiatrists Board conveyed to me by letter dated the ..... day of ..... 19.....

The following are the grounds on which I make my appeal .....

And I hereby appoint [*Full name*], of [*Full postal address*], as one of the assessors for the purposes of this appeal.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Appellant.

I hereby consent to act as an assessor for the purposes of this appeal.

.....  
Signature of Assessor for Appellant.

## SECOND SCHEDULE

Reg. 10

## REGULATIONS REVOKED

Regulations		Statutory Regulations Serial Number
The Chiropodists Regulations 1967...	... ..	1967/279
The Chiropodists Regulations 1967, No. 1 ... ..	Amendment ... ..	1969/214
The Chiropodists Regulations 1967, No. 2 ... ..	Amendment ... ..	1972/7
The Chiropodists Regulations 1967, No. 3 ... ..	Amendment ... ..	1974/183
The Chiropodists Regulations 1967, No. 4 ... ..	Amendment ... ..	1977/18

P. G. MILLEN,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations replace and revoke the Chiropodists Regulations 1967. The changes are largely consequential upon a change of nomenclature from chiropody to podiatry, effected by the Medical and Dental Auxiliaries Amendment Act 1981.

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 18 March 1982.  
These regulations are administered in the Department of Health.