



ANALYSIS

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in pharmacies

1985, No. 94

An Act to amend the Pharmacy Act 1970

[11 June 1985]

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

1. Short Title—This Act may be cited as the Pharmacy Amendment Act 1985, and shall be read together with and deemed part of the Pharmacy Act 1970 (hereinafter referred to as the principal Act).

2. Qualifications for registration—(1) Section 13 (1) (c) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraphs:

“(c) That he is the holder of a certificate or diploma (other than a recognised certificate) granted outside New Zealand after a course of training as a pharmacist which, in the opinion of the Council, is comparable in length and at least equivalent in content and standard to that required under paragraph (a) of this subsection, and that he is registered as a pharmacist or under a title equivalent thereto in the country where that certificate or diploma was obtained, and has fulfilled such further conditions as may be prescribed; or

“(d) That he is the holder of a certificate or diploma (other than a recognised certificate) granted outside New Zealand and is registered as a pharmacist or under a title equivalent thereto in the country where that certificate or diploma was obtained, and has a level

of knowledge of pharmaceutical sciences equivalent to that required under paragraph (a) of this subsection, and has fulfilled such further conditions as may be prescribed.”

(2) Section 13 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsections:

“(1A) Notwithstanding anything in subsection (1)(c) of this section—

“(a) If the Council considers that there is good and sufficient reason for the person not being registered in the manner specified in that paragraph, it may dispense with the requirement that the person be so registered:

“(b) The Council may, if it thinks fit, require that any holder of such a certificate or diploma shall, before being registered, pass such examinations as shall be approved by the Council and conducted at an approved school, and complete such period of practical training as may be prescribed.

“(1B) Notwithstanding anything in subsection (1)(d) of this section—

“(a) If the Council considers that there is good and sufficient reason for the person not being registered in the manner specified in that paragraph, it may dispense with the requirement that the person be so registered:

“(b) The Council may, if it thinks fit, in deciding whether a person meets the requirements of that paragraph, require that person—

“(i) To undertake a preliminary examination, conducted by or on behalf of the Council, in order to assess that person’s level of knowledge of pharmaceutical sciences; and

“(ii) To attend such course of training as a pharmacist, and pass such examinations, as shall be approved by the Council and conducted at an approved school, and complete such period of practical training as may be prescribed.”

(3) Section 57 of the principal Act is hereby consequentially amended by inserting in paragraph (h), after the words “paragraph (c)”, the words “and paragraph (d)”. (

3. Restriction on individuals holding interest in pharmacies—(1) The principal Act is hereby amended by repealing section 43, and substituting the following section:

“43. (1) Except as otherwise provided in this Act, no person other than a pharmacist, either alone or in partnership, shall, except with the consent of the Pharmacy Authority and in conformity with conditions prescribed by the Authority, establish, carry on business, or otherwise hold an interest, in a pharmacy.

“(2) For the purposes of subsection (1) of this section, a person shall not hold an interest in a pharmacy merely by his being a member of a company, or of any other body of persons (whether corporate or unincorporate) other than a partnership, which is lawfully carrying on business in a pharmacy.

“(3) For the purposes of subsection (1) of this section,—

“ ‘Person’ does not include a company:

“ ‘Pharmacist’ includes the following persons:

“(a) An administrator of the estate of a deceased pharmacist:

“(b) An assignee, within the meaning of the Insolvency Act 1967, carrying on a pharmacy in his capacity as assignee of the estate of a pharmacist:

“(c) A liquidator carrying on a pharmacy under the authority of section 240 of the Companies Act 1955:

“(d) A receiver or manager of the property of a company carrying on, subject to Part VII of the Companies Act 1955, a pharmacy comprised in that property:

“Provided that nothing in this subsection shall entitle any person to carry on business in a pharmacy after the expiration of the period of 1 year after the date of the death of the deceased pharmacist, or the date of the first appointment of an assignee in respect of an estate comprising a pharmacy, or the date of the first appointment of a liquidator, receiver, or manager, in respect of a company which has carried on a pharmacy.

“(4) Notwithstanding anything in this section, any person who at the commencement of this Act lawfully holds an interest in a pharmacy may continue to hold that interest in that pharmacy.”

(2) Subsections (1) and (2) of section 3 of the Pharmacy Amendment Act 1975 are hereby repealed.