

Hon. Mr. Cadman.

PHARMACY.

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A BILL INTITULED

AN ACT to consolidate and amend the Law relating to Pharmacy. Title.

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

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1. The Short Title of this Act is "The Pharmacy Act, 1895," and it shall come into force and be deemed to commence on the first day of January, one thousand eight hundred and ninety-six. Short Title. Commencement.

10 but such appeal shall not affect any regulations or by-law lawfully made thereunder. 2. The several Acts in the First Schedule are hereby repealed. Repeal.

3. This Act is divided into Parts as follows :— Act divided into Parts. No. 15—1.

Part I.—The Pharmaceutical Society and Pharmacy Board of New Zealand.

Part II.—Pharmaceutical Register of New Zealand.

Part III.—Registered pharmaceutical chemists.

Part IV.—Licensed drug-sellers.

Part V.—Miscellaneous.

Interpretation.

4. In this Act, if not inconsistent with the context—

“Registered chemist” means every person who at the commencement of this Act is duly registered under “The Pharmacy Act, 1880,” or thereafter is duly registered under this Act as a pharmaceutical chemist: 10

“Register” means the Pharmaceutical Register of New Zealand:

“Registrar” includes the Deputy-Registrars under this Act

“Drug” or “drugs” means drugs for internal or external use, and extends to all articles taken or sold as medicines: 15

“Person” means any individual, male or female, and includes any member of any society, company, or corporation, whether established by charter or otherwise:

“The society” means the Pharmaceutical Society of New Zealand under this Act: 20

“The Board” means the Pharmacy Board of New Zealand under this Act.

## PART I.

### THE PHARMACEUTICAL SOCIETY AND THE PHARMACY BOARD OF NEW ZEALAND. 25

Pharmaceutical Society incorporated.

5. (1.) All persons who at the commencement of this Act are duly registered as pharmaceutical chemists under “The Pharmacy Act, 1880,” and all persons who thereafter are duly registered as pharmaceutical chemists under this Act, are hereby declared to be a body corporate under the name of “The Pharmaceutical Society of New Zealand,” with perpetual succession and a common seal. 30

(2.) The society may by its corporate name acquire and hold lands necessary for offices, and may enter into all contracts necessary for the purposes of this Act, and may sue and be sued. 35

Pharmacy Board.

6. The affairs of the society shall be managed and controlled by a Board, to be elected under the provisions of this Act, and to be called “The Pharmacy Board of New Zealand.”

Present Board to continue in office.

7. The Pharmacy Board of New Zealand, constituted under “The Pharmacy Act, 1880,” shall, notwithstanding the repeal of that Act, be deemed to be the first Board appointed under this Act, and the members thereof shall hold office under this Act until the first day of January next following the first election of the Board under this Act, when they shall all cease to hold office. 40

Board may appoint officers.

8. (1.) The Board may from time to time appoint a Registrar, Deputy-Registrars, Examiners, and such other officers as it deems necessary for the purposes of this Act, and may remove the same at any time. 45

(2.) All Registrars, Deputy-Registrars, and other officers holding office under “The Pharmacy Act, 1880,” at the commencement of 50

this Act, shall be deemed to have been duly appointed under this Act.

9. For the purposes of this Act the colony is hereby divided into the districts mentioned in the *Second Schedule* hereto: And upon the application of the Board the Governor in Council may from time to time vary or alter the boundaries of all or any of such districts.

Districts.

10. The head-quarters of the society shall be at such one of the Cities of Auckland, Wellington, Christchurch, or Dunedin, as may be determined from time to time by the majority of the members of the said society in manner following, that is to say:—

Head-quarters of society.

- (1.) Within six months after the commencement of this Act the Board shall cause a vote to be taken of all the members of the society for the purpose aforesaid;
- (2.) Such vote shall be taken as nearly as may be in accordance with the regulations for the time being in force for the election of the members of the Board;
- (3.) The head-quarters of the society shall be at such one of the four said cities as is voted for by the largest number of the members of the society, and shall not be changed for at least twelve months after the taking of such vote;
- (4.) A certificate under the hand of the President of the Board as to the result of such vote shall be conclusive evidence thereof, and that the same has been duly taken in accordance with this Act;
- (5.) A copy of such certificate, published in the *New Zealand Gazette*, shall be admissible in evidence, and shall be *prima facie* proof in all Courts of Justice, without the necessity of proving the signature of the President of the Board thereto.

11. (1.) The Board, to be elected after the commencement of this Act, shall consist of ten members of the society.

Election of members of Board.

(2.) The members of the society residing within the district within which the head-quarters are situate (in this Act called "the central district") shall elect four members of the Board for that district, and the members of the society residing within each of the remaining three districts shall elect two members of the Board for such district.

12. The members so elected shall come into office on the first day of January next following such election.

When to come into office.

13. (1.) The two members for the central district who receive the lowest number of votes at the first election under this Act shall retire from office on the first day of January next following their coming into office.

When members to retire from office.

(2.) If by reason of equality of votes the retiring members, or either of them, cannot be ascertained, then the retiring members or such one of them as cannot be ascertained shall be determined by lot.

(3.) On every first day of January following, the two members for the central district who have been longest in office shall retire.

(4.) The members of the Board for the other three districts shall hold office for two years from the first day of January next following their coming into office.

(5.) All retiring members of the Board shall be eligible for re-election.

How election to be held.

14. Every election of members of the Board shall be held in manner prescribed by regulations made by the Board and approved by the Governor in Council as hereinafter provided, and until such regulations are made every such election shall be held as nearly as may be in accordance with the regulations in force under "The Pharmacy Act, 1880," but with all necessary variations. 5

Resignation of member.

Vacancy.

15. Any member of the Board may resign his office by writing under his hand, addressed to the President; and any member who without the leave of the Board fails to attend four ordinary meetings of the Board in succession shall *ipso facto* cease to hold office. 10

Extraordinary vacancy.

16. The foregoing provisions relating to elections shall apply to every extraordinary vacancy on the Board, but the member elected to fill any such vacancy shall hold office only for the residue of the term of the member in whose stead he is elected. 15

President.

17. The Board at its first meeting in each year shall elect some one of its members to be the President of the society, who shall hold office until the election of his successor in the following year.

Quorum.

18. A quorum of the Board shall consist of not less than three members thereof, and in the absence of the President from any meeting one of the members present shall be elected Chairman of that meeting. 20

Board may make by-laws and regulations.

19. (1.) The Board may, from time to time, make by-laws and regulations for the purpose of carrying this Act into effect: Provided that such by-laws and regulations before coming into operation shall be approved by a majority of the votes recorded by the members of the society. 25

(2.) No such by-law or regulation shall have any effect if it is repugnant to any law in force in New Zealand, nor until it has been approved by the Governor in Council and published in the *Gazette*. The Governor in Council may from time to time suspend the operation of any by-law or regulation. 30

## PART II.

### PHARMACEUTICAL REGISTER OF NEW ZEALAND.

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Register.

20. (1.) The Board shall from time to time cause the names of all persons certified by the Board as duly qualified for registration as registered pharmaceutical chemists to be registered, with their qualifications and business addresses, in a book to be kept by the Board for that purpose, in the form of the *Third* Schedule to this Act, or to the like effect, and such register shall be called "The Pharmaceutical Register of New Zealand." 40

(2.) Every person whose name is duly enrolled in such register may be described in this or any other Act as "registered chemist."

(3.) Every person whose name is duly enrolled on the Pharmaceutical Register of New Zealand under "The Pharmacy Act, 1880," at the commencement of this Act shall be registered under this Act without any application or payment of fees, and, until a register has been compiled under this Act, the register under "The Pharmacy Act, 1880," shall be the register under this Act.

21. Previous to registration or examination under this Act, such fees shall be payable to the Board as are set out in the *Fourth* Schedule to this Act, or such other fees as may from time to time be fixed by any regulation hereafter to be made in accordance with this Act.

Fees to be paid.

22. (1.) The Board may from time to time make all necessary alterations in the register for the purpose of keeping a correct record of the qualification and address of every registered chemist.

Board may alter register and erase names therefrom.

(2.) In particular, the Board may from time to time, by letter addressed to any registered chemist at his last-known address, inquire whether he has changed his place of business, and if no answer is returned to such letter within the period of six months from the sending thereof the Board may erase his name from the register, and may subsequently restore the same upon his personal application and the production of his certificate, or satisfactory proof of his former registration.

23. (1.) Every registered chemist on changing his place of business shall intimate the same to the Board, and the Board shall correct the entry in the register accordingly.

Notice of change of place of business, or death, of chemist.

(2.) Every Deputy-Registrar of Births and Deaths in New Zealand, on receiving information of the death of any registered chemist, shall forthwith transmit notice thereof by post to the President, and on receipt of such notice the Board shall erase the name of such chemist from the Pharmaceutical Register of New Zealand.

24. If any registered chemist is convicted of any offence which in the opinion of a majority of the whole Board renders him unfit to be on the register, the Governor in Council may, upon the application of the Board, order the name of such person to be erased from the register, and thereupon it shall be the duty of the Board to erase such name accordingly.

Chemist may be removed from register for certain offences.

25. (1.) The Board shall in the month of January in each year cause to be printed, published, and sold a correct register of the names of all the registered chemists in alphabetical order, with their business addresses.

Annual list of chemists.

(2.) Such printed register shall be called "The Pharmaceutical Register of New Zealand for 18 ,," and for every succeeding year.

26. A printed copy of such register for the time being, purporting to be printed and published with the authority of the Board, or a copy of the *Gazette* purporting to contain regulations made by the Board, shall be *prima facie* evidence in all Courts of Justice, and in all legal proceedings whatsoever, that the persons specified in such printed register are duly registered chemists, or that such regulations were duly made; and the absence of the name of any person from such printed register for the time being shall, until the contrary is shown, be evidence that such person is not a registered chemist.

Evidence of printed registers and regulations.

## PART III.

## REGISTERED PHARMACEUTICAL CHEMISTS.

27. Any person of the age of twenty-one years or upwards,—

(1.) Who, at any time before the first day of January, one thousand eight hundred and eighty-one—

(a.) Has for not less than two months carried on the business of a chemist and druggist, or homœopathic chemist, by keeping an open shop in New Zealand for the compounding and dispensing of medicines; or

(b.) Has for not less than six months been employed as a dispensing assistant in such open shop as aforesaid; or

(c.) Has for not less than three years been employed as a dispensing chemist in the surgery of any legally-qualified medical practitioner, or in a hospital, charitable institution, or other public institution in New Zealand; or

(2.) Who, at any time before the first day of January, one thousand eight hundred and ninety-five, has for not less than three years been employed as a dispensing chemist in such open shop as aforesaid; or

(3.) Who holds a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist or homœopathic chemist, from the Pharmaceutical Society of Great Britain, or a certificate or diploma of competency from the Pharmaceutical Society of Ireland; or

(4.) Who holds a certificate or diploma of competency from any college, Board of Pharmacy, or Pharmaceutical Society recognised by the Board under any regulations made under this Act; or

(5.) Who is a legally qualified medical practitioner— shall, upon application, in the form set out in the *Fifth* Schedule hereto, and upon payment of the prescribed fees, be entitled to be registered as a pharmaceutical chemist without examination:

Provided that all persons who desire to register under subsections *one* or *two* of this section must make application in that behalf on or before the thirty-first day of December, one thousand eight hundred and ninety-six, otherwise they cannot avail themselves of the provisions thereof.

28. (1.) Every person who applies to be registered under the next preceding section shall supply evidence satisfactory to the Board in support of his application.

(2.) Such evidence may be given by the statutory declaration, in the form set out in the *Sixth* Schedule hereto, of any person who, in the opinion of the Board, is competent to depose to the facts.

29. Any person of the age of twenty-one years or upwards who—

(1.) Has passed the examinations prescribed by the Board, in the subjects of materia medica, botany, chemistry, practical chemistry, pharmacy, and practical pharmacy, and any other subjects that may from time to time be prescribed by the Board with the approval of the Governor in Council; and also

(2.) Has served for at least three years under articles of apprenticeship as the apprentice of a registered chemist, or chemist and druggist, or homœopathic chemist, keeping open shop for the compounding and dispensing of medicines,—

Qualifications of pharmaceutical chemists.

Applicant to supply satisfactory evidence.

Pharmaceutical chemists by examination.

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shall, upon payment of the prescribed fees, be entitled to a certificate of qualification and to be registered as a pharmaceutical chemist by examination.

30. (1.) The Board shall direct, control, and conduct all such examinations, and may grant or refuse certificates of competency and qualification to exercise the business of a pharmaceutical chemist. Board to control examinations.

(2.) No candidate shall be eligible for examination until he has attained the age of eighteen years. Conditions.

(3.) A rejected candidate may present himself for re-examination after the expiration of six months from the date of his rejection on payment of the prescribed fees.

(4.) Any candidate who is aggrieved at his rejection may, within one month after the date of such rejection, apply to the Board for another examination by special Examiners to be appointed by the Board; and the Board shall, within one month after the date of such application, cause the applicant to be examined accordingly: Provided that the applicant deposits with the Board the reasonable costs of such examination, such costs to be forfeited to the Board if he is again rejected.

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## PART IV.

## LICENSED DRUG-SELLERS.

31. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations for the licensing of persons (to be called "licensed drug-sellers") to whom, in his opinion, not all the provisions of this Act should apply, and by the same or any other Order in Council may prescribe— Governor may make regulations for licensing drug-sellers.

(a.) The conditions under which such licenses may be granted;

(b.) The rights conferred, and the liabilities imposed, and the fees payable in respect of every such license; and

(c.) What provisions of this Act shall apply to licensed drug-sellers.

(2.) By such regulations the Governor in Council may impose a penalty not exceeding *twenty* pounds for any breach thereof.

(3.) It shall not be lawful for any licensed drug-seller to carry on business in a shop or place of business situate within one mile of the shop or place of business of any registered chemist. Not to carry on business near chemist.

(4.) Every person who commits any breach of the last-preceding subsection is liable to a penalty not exceeding *five* pounds for every day during which such breach continues. Penalty.

32. The Governor may from time to time, by Order in Council gazetted, suspend the operation of this Act or of any specified portion thereof within the area of any riding of a county, or any road district, as he thinks fit. Governor may suspend Act in certain districts.

33. No Order in Council made under either of the *two next preceding* sections shall be gazetted until the same has been referred to the Board for its consideration. Order in Council to be referred to Board.

## PART V.

## MISCELLANEOUS.

34. Nothing in this Act contained shall extend to or interfere with the business or rights or privileges of any legally-qualified medical practitioner, or of any member of the Royal College of Act not to affect medical practitioner or wholesale dealer.

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Veterinary Surgeons of Great Britain, or of any wholesale dealer who supplies drugs and chemicals in the ordinary course of wholesale dealing.

- Reciprocity. 35. The Board may from time to time, with the consent of the Governor in Council, make arrangements with the Australasian Colonies for the reciprocal recognition and exchange of certificates and registration. 5
- Presumption as to adulterated drugs. 36. Every registered chemist or licensed drug-seller who sells or offers for sale any drug which is adulterated shall be deemed to have knowledge of such adulteration until the contrary is proved by him. 10
- Business of deceased chemist may be carried on. 37. Upon the decease of any registered chemist, actually in business at the time of his death, it shall be lawful for his executor, administrator, or trustee to continue such business, if and so long as such business is *bonâ fide* conducted by a registered chemist. 15
- Penalty for fraudulent registration. 38. Every person who wilfully procures or attempts to procure himself to be registered under this Act by means of any false or fraudulent representation or declaration, and every person who aids or assists therein, is liable to a penalty not exceeding *twenty* pounds, or to imprisonment for any term not exceeding twelve months. 20
- Certain titles to be used only by registered chemists. 39. (1.) It shall not be lawful for any person who is not a registered chemist to in any way, directly or indirectly,—  
 (a.) Use the name or title of “registered chemist,” or “pharmaceutical chemist,” “pharmaceutist,” “chemist and druggist,” “dispensing chemist,” “homœopathic chemist,” or “chemist,” or “druggist,” whether with or without any other words; or 25  
 (b.) Hold himself out to the public as being the successor of, or as having been connected with or in the employment of, any registered chemist; or 30  
 (c.) Use or exhibit any name, title, or sign holding out or implying that he is a registered chemist. 30
- Penalty. (2.) Every person who commits any breach of any of the provisions of this section is liable to a penalty of *five* pounds, and where the breach is a continuing one to a further penalty of *five* pounds for every day after the first during which such breach continues. 35
- Penalty on un-registered person carrying on business as chemist. 40. Every person who, not being a registered chemist, carries on or attempts to carry on the business of a chemist and druggist, or homœopathic chemist, by keeping an open shop or place of business for the compounding and dispensing of medicines, is liable to a penalty of *five* pounds for each day during which he so carries on or attempts to carry on such business. 40
- Every shop to be kept by registered chemist or registered manager. 41. (1.) No registered chemist shall keep or permit to be kept under his name any open shop or place of business for the retailing and dispensing of medicines save under his own immediate supervision and control, or that of some other registered chemist whom he has caused to be registered as his manager of such shop or place of business. 45  
 (2.) For every such registration there shall be paid the fee of *One pound*. 50  
 (3.) Every application for such registration shall be in the form in the *Seventh* Schedule hereto.  
 (4.) Whenever such manager ceases to have such immediate supervision and control, the proprietor of such shop or place of



business shall forthwith give notice thereof in writing to the Registrar, who shall thereupon remove such manager's name from the register.

5 (5.) Every person who commits any breach of any of the provisions of this section is liable to a penalty of not exceeding five pounds.

42. The Registrar shall keep a register of all managers and all shops under the control of managers in the form in the Eighth Schedule hereto. Register of managers.

10 43. (1.) The fees specified in the Fourth Schedule hereto shall be payable in respect of the matters therein mentioned. Fees.

(2.) The Board, with the consent of the Governor in Council, may from time to time increase, diminish, or abolish such fees or any of them, and may with the like consent impose fees in respect of any other matter coming within the scope of this Act. Board may alter same.

15 44. (1.) All penalties recovered and all fees payable under this Act shall be paid to the Registrar, and shall form part of the funds of the society. Penalties and fees to be paid to Registrar.

20 (2.) The Deputy-Registrars shall account for and pay over to the Registrar all fees and sums of money received by them on account of the society.

45. The Board may apply all or any of the funds of the society in carrying this Act into effect, and in particular may apply such funds for all or any of the following purposes:— Application of funds of society.

25 (1.) The purchase-moneys or rent of any land or building required for offices.

(2.) The salaries of the Registrar, the Deputy-Registrars, and other officers of the society, and the fees and other remuneration of examiners appointed by the Board.

30 (3.) Payment of the travelling-expenses of such of the members of the Board as do not reside within the city wherein the head-quarters of the society are situate.

(4.) The expenses of any prosecution instituted under the authority of the Board in respect of any offence believed to have been committed against the provisions of this Act.

35 46. (1.) The Board may from time to time borrow and raise upon mortgage of any of its land such sums of money as the Board thinks fit, and for that purpose may make and execute in the name of the society such mortgages with such powers of sale and other powers as the Board thinks fit. Board may borrow money.

(2.) All moneys so raised shall be applied in acquiring land necessary for offices.

45 47. The Board may at any time sell and convert into money any of its lands, and make and execute in the name of the Board effectual conveyances and other assurances thereof to the purchaser. Board may se its lands.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ACTS REPEALED.

- 1880, No. 26.—“The Pharmacy Act, 1880.”
- 1887, No. 20.—“The Pharmacy Act 1880 Amendment Act, 1887.”

## SECOND SCHEDULE.

## DISTRICTS.

THE District of Auckland, the boundaries of which shall be the same as those of the Provincial Districts of Auckland and Taranaki.

The District of Wellington, the boundaries of which shall be the same as those of the Provincial Districts of Wellington, Hawke's Bay, Nelson and Marlborough.

The District of Canterbury, the boundaries of which shall be the same as those of the Provincial District of Canterbury and the late County of Westland.

The District of Otago, the boundaries of which shall be the same as those of the Provincial District of Otago and Southland.

## THIRD SCHEDULE.

## REGISTER OF PHARMACEUTICAL CHEMISTS.

No. of Certificate.	Date of Registration.	Name.	Address.	Qualification.
436	3rd January, 1860	James Bates	Dalton le Dale, England.	Minor Certificate, Great Britain, No. 0160.

A. B., President  
C. D., Member  
E. F., Member  
G. H., Registrar

of the Pharmacy Board  
of New Zealand.

## FOURTH SCHEDULE.

## FEES.

	£	s.	d.
For every ordinary examination ... ..	1	10	0
For registration as a pharmaceutical chemist without examination ... ..	1	10	0
For registration in every other case ... ..	1	0	0

## FIFTH SCHEDULE.

## APPLICATION AND DECLARATION BY APPLICANT FOR REGISTRATION WITHOUT EXAMINATION.

I, A.B., of [residence and occupation], do solemnly and sincerely declare—

(1.) That I herewith make application to the Pharmacy Board of New Zealand to be registered as a pharmaceutical chemist without examination;

(2.) That I have attained the age of twenty-one years;

(3.) That [Set out specifically the grounds of the application, as mentioned in section 27, giving all necessary names, dates, and other particulars];

(4.) That I am the person named in the statutory declarations [or certificate, diploma, or register, as the case may be] marked or numbered , which I submit herewith in support of this my application.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."

Declared at , this day of , 18 , A.B.  
before me,

C.D.

Justice of the Peace [or Solicitor].

The prescribed fee of £1 10s. is enclosed herewith.—A.B.

SIXTH SCHEDULE.

DECLARATION IN SUPPORT OF APPLICATION TO BE REGISTERED WITHOUT EXAMINATION.

To the Pharmacy Board of New Zealand.

I, E.F., of [residence and occupation], do solemnly and sincerely declare—

(1.) That I am a Justice of the Peace [or a legally-qualified medical practitioner, or a registered pharmaceutical chemist, or a pharmaceutical chemist and druggist, or as the case may be] ;

(2.) That I know A.B., who is an applicant to the Pharmacy Board of New Zealand to be registered as a pharmaceutical chemist without examination ;

(3.) That I have read his statutory declaration, made in support of such application, and believe the statements therein contained to be true ;

(4.) That, in particular, I know to be true the statement therein contained that [Here set out such of the applicant's statements as this deponent of his own knowledge can declare to be true.]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."

E.F.

Declared at , this day of , 18 , before me,

C.D. Justice of the Peace [or Solicitor].

SEVENTH SCHEDULE.

APPLICATION FOR REGISTRATION OF MANAGER.

I, , of , a duly-registered pharmaceutical chemist, hereby give notice that I intend to keep at an open shop [or place of business] for the retailing and dispensing of poisons and medicines, under the immediate supervision and control of , a duly-registered pharmaceutical chemist, and I hereby require the name of the said to be registered as my manager of such shop [or place of business] accordingly.

I enclose the prescribed registration-fee of One pound.

Dated this day of , 189 .

M.N.

To the Registrar of the Pharmacy Board of New Zealand.

EIGHTH SCHEDULE.

REGISTER OF SHOPS UNDER THE CONTROL OF MANAGERS.

Table with 5 columns: Place where Shop situated, Proprietor, Manager, Date when Appointment registered, Date when Termination of Appointment registered.