

Hon. Mr. W. C. Walker.

PHARMACY.

ANALYSIS.

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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, 1896," and it shall come into operation and be deemed to commence on the first day of *January*, one thousand eight hundred and ninety-seven. Short Title. Commencement.

2. The Acts specified in the *First* Schedule hereto are hereby repealed, but all regulations or by-laws lawfully made thereunder and in force at the commencement of this Act shall continue in force until repealed under this Act. Repeal.

Interpretation.

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

“Drug” or “drugs” means ~~drugs for internal or external use, and extends to all articles taken or sold as medicines: any medicine or compound included in the British Pharmacopœia:~~ 5

“Prescriptions” means the prescriptions of legal qualified medical practitioners.

“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 10 under this Act as a pharmaceutical chemist:

“Register” means the Pharmaceutical Register of New Zealand.

“Registrar” includes the Deputy-Registrars under this Act.

THE PHARMACEUTICAL SOCIETY AND THE PHARMACY BOARD OF NEW ZEALAND. 15

Pharmaceutical Society incorporated.

4. (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 20 body corporate under the name of “The Pharmaceutical Society of New Zealand,” with perpetual succession and a common seal.

(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. 25

Pharmacy Board.

5. 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.

6. The Pharmacy Board of New Zealand, constituted under “The Pharmacy Act, 1880,” shall, notwithstanding the repeal of that 30 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.

Board may appoint officers.

7. (1.) The Board may from time to time appoint a Registrar, 35 Deputy-Registrars, Examiners, and such other officers as it deems necessary for the purposes of this Act.

(2.) All Registrars, Deputy-Registrars, and other officers holding office under “The Pharmacy Act, 1880,” at the commencement of this Act, shall be deemed to have been duly appointed under this Act. 40

Districts.

8. 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 his discretion may from time to time *by Gazette notice* vary or alter the boundaries of all or any of such districts. 45

Head-quarters of society.

9. 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 society in manner following, that is to say:—

(1.) Within six months after the commencement of this Act the 50 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; 55

(3.) The head-quarters of the society shall be at such one of the 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 ;

5 (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 ;

10 (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.

15 10. (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.

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

25 12. (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.) In the event of the central district being changed, the two members for that district then longest in office shall retire, and in their stead two additional members shall be elected to represent the new central district.

30 (3.) 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.

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

40 (5.) 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.

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

45 13. Every election of members of the Board shall be held in manner prescribed by regulations made by the Board and approved by the Governor 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. How election to be held.

50 14. 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 be deemed to have vacated his office. Resignation of member.
Vacancy.

Extraordinary
vacancy.

15. 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.

President.

16. 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. 5

Quorum.

17. At all meetings of the Board,—

(1.) ~~The quorum shall be such number of members (not being less than three) as is fixed by regulations;~~ *Three members shall constitute a quorum;* 10

(2.) The President shall preside, and shall have a deliberative vote, and, in the case of equality of voting, a casting vote.

Acting President.

18. In the absence of the President from any meeting one of the members present shall be elected to act as President at that meeting, and whilst so acting shall have all the powers of the President. 15

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 regulating its own procedure and of generally carrying this Act into effect: Provided that no such ~~by-law or~~ regulation shall have any effect until it has been approved 20
~~by a majority of the votes recorded by the members of the society and has also been approved~~ by the Governor and published in the *Gazette*.

(2.) The Governor in Council may from time to time suspend the operation of any such ~~by-law or~~ regulation.

PHARMACEUTICAL REGISTER OF NEW ZEALAND. 25

Register.

20. (1.) The Board shall from time to time cause the names of all duly qualified persons to be registered, with their qualifications and business addresses, as pharmaceutical chemists, in a book to be kept by the Board for that purpose, and to be called "The Pharmaceutical Register of New Zealand." 30

(2.) 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. 35

Certificate of registration.

21. Every registered chemist shall be entitled to a certificate of registration, in the form in the *Third* Schedule hereto, under the hands of the President or another member of the Board and of the Registrar. 40

Board may alter
register and erase
names therefrom.

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.

(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. 50

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

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.

(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 all the members of the Board renders him unfit to be on the register, the Governor 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 and published for sale~~ *gazetted* 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 the *Gazette containing* such register for the time being, ~~purporting to be printed and published with the authority of 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; 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.

REGISTERED PHARMACEUTICAL CHEMISTS.

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

Qualifications of pharmaceutical chemists.

(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 prescriptions; 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-seven, has for not less than ~~three~~ *two* years kept open shop as a dispensing chemist; 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—

Fourth Schedule.

shall, upon application, in the form set out in the *Fourth* 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-seven, failing which they cannot avail themselves of the provisions thereof.

Applicant to supply satisfactory evidence.

28. (1.) Every person who applies to be registered under the *last preceding* section hereof 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 *Fifth* Schedule hereto, of any person who, in the opinion of the Board, is competent to depose to the facts.

Pharmaceutical chemists by examination.

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 *and notified in the Gazette*; 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 prescriptions,—

shall, upon payment of the prescribed fees, be entitled to a certificate of qualification and to be registered as a pharmaceutical chemist by examination: Provided that apprenticeship shall not be necessary in the case of any person who passes the prescribed examinations on or before the first day of July, one thousand eight hundred and ninety-eight.

Board to control examinations.

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.

Conditions.

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

(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.

Struck out.

(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 forwards with his application the examination fees prescribed.

Struck out.

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.) Before gazetting such Order in Council, the Governor shall cause it to be referred to the Board for consideration.

REGISTERED MANAGERS.

32. On application in the form in the *Sixth* Schedule hereto by any registered chemist keeping under his own name any open shop or place of business for the compounding and dispensing of prescriptions, or (if he is deceased) by his legal representatives, the Board may register any fit person (being a registered chemist) as the applicant's manager of such shop or place of business.

Registration of manager.

33. The Registrar Board shall keep a register of all managers and all shops under the control of managers in the form in the *Seventh* Schedule hereto.

Register of managers.

34. Upon the decease of any registered chemist, actually in business at the time of his death, it shall, in so far as concerns this Act, be lawful for his legal representatives to continue such business, if and so long as such business is *bonâ fide* conducted by a registered manager.

Business of deceased chemist may be carried on.

35. (1.) Whenever a registered manager ceases to have the immediate supervision and control of the shop or place of business in respect whereof he is the registered manager, the proprietor of such shop or place of business shall forthwith give notice thereof in writing to the Registrar Board, who shall thereupon remove such manager's name from the register.

Notice when manager ceases to control.

36. Every such proprietor who fails or neglects to duly give such notice, and every person who continues to act as such manager after his name has been removed from the register, is liable to a penalty not exceeding *five* pounds.

Penalty.

MISCELLANEOUS.

37. 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.

Penalty for fraudulent registration.

38. Every person commits an offence who, not being a registered chemist, in any way, directly or indirectly,—

Certain titles to be used only by registered chemists.

- (a.) Uses the name or title of "registered chemist," or "pharmaceutical chemist," "pharmacist," "chemist and druggist," "dispensing chemist," "homœopathic chemist," or "chemist," or "druggist," whether with or without any other words; or 5
- (b.) Holds 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
- (c.) Uses or exhibits any name, title, or sign holding out or implying that he is a registered chemist. 10

Penalty on un-registered person carrying on business as chemist.

39. Every person commits an offence who, not being a registered chemist, in any way, directly or indirectly, carries on or attempts to carry on the business of a chemist and druggist, or registered chemist, or homœopathic chemist, by keeping an open shop or place of business for the compounding or dispensing of prescriptions. 15

Every shop to be kept by registered chemist or registered manager.

40. Every registered chemist commits an offence who keeps or permits to be kept under his name any open shop or place of business for the compounding or dispensing of prescriptions, save under his own immediate supervision and control, or that of his duly registered manager. 20

Penalty for offences.

41. Every person who commits any of the offences referred to in any of the *three last preceding* sections hereof is liable to a penalty of not exceeding five pounds, and to a further penalty of five pounds for every day after the first during on which such offence continues. is committed. 25

Fees.

42. The fees specified in the *Eighth* Schedule hereto shall be payable in respect of the matters therein mentioned :

Board may alter same.

Provided that the Board, with the consent of the Governor, may from time to time, *by notice in the Gazette*, increase, diminish, 30 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.

Penalties and fees to be paid to Registrar.

43. (1.) All penalties recovered and all fees received under this Act shall be paid to the Registrar, and shall form part of the funds of 35 the society.

(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.

Application of funds of society.

44. The Board may apply all or any of the funds of the society 40 in carrying this Act into effect, and in particular may apply such funds for all or any of the following purposes :—

- (1.) The purchase-moneys or rent of any land or building required for offices.
- (2.) The salaries of the Registrar, the Deputy Registrars, and 45 other officers of the society, and the fees and other remuneration of examiners appointed by the Board.
- (3.) Payment of the reasonable travelling-expenses (to be fixed by the Board) of such of the members of the Board as do not reside within the city wherein the head-quarters of 50 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.

45. (1.) The Board may from time to time borrow ~~and or~~ 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, and in the erection and furnishing of such offices as the Board thinks necessary.~~

46. 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 sell its lands.

47. The Board may from time to time, with the consent of the Governor, make arrangements with any of the Australasian Colonies for the reciprocal recognition and exchange of certificates and registration.

Reciprocity.

48. Nothing in this Act contained,—

(1.) Shall apply to or interfere with the business or rights or privileges of

Act not to affect certain persons or businesses.

(a.) Any legally-qualified medical practitioner; or of

(b.) Any legally-qualified veterinary surgeon; or of

(c.) Any wholesale dealer who supplies drugs and chemicals in the ordinary course of wholesale dealing; or of

(d.) Any person whose business as a chemist is confined to the sale of herbal or botanical medicines, and who uses the name or title of a herbalist; ~~or a herbal or botanical chemist; nor~~

New sub-clause.

(e.) Any person whose business before the first day of January, one thousand eight hundred and ninety-six, has been confined to the sale of homœopathic medicines;

(2.) Shall apply to any Native-school teacher who sells or disposes of drugs to Natives by authority of the Minister of Native Affairs; nor

(3.) Shall apply to such patent or proprietary medicines or chemicals as are usually sold by grocers or storekeepers. ~~provided such medicines do not contain any of the poisons specified in the Schedule to "The Sale of Poisons Act, 1871."~~

49. (1.) 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.

(2.) Before gazetting such Order in Council, the Governor shall cause it to be referred to the Board for consideration.

Order in Council to be referred to Board.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Section 2.

ACTS REPEALED.

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

Section 8.

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 Districts of Canterbury and Westland.

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

Section 21.

THIRD SCHEDULE.

CERTIFICATE OF REGISTRATION.

No. of Certificate.	Date of Registration.	Name.	Address.	Qualification.
436	3rd January, 1890	James Bates	Dunedin	Minor Certificate, Great Britain, No. 0160.

A.B., President
[or C.D., Member]
G.H., Registrar } of the Pharmacy Board
of New Zealand.

Section 27.

FOURTH 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.

Section 2 .

FIFTH 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."

Declared at _____, this _____ day of _____, 18 _____, E.F.
before me,
C.D.,
Justice of the Peace [or Solicitor].

SIXTH SCHEDULE.

Section 32.

APPLICATION FOR REGISTRATION OF MANAGER.

I, _____, of _____, a duly-registered pharmaceutical chemist [or the legal representative of, &c.], hereby give notice that I intend to keep at an open shop [or place of business] for the compounding and dispensing of prescriptions, under the immediate supervision and control of _____, a duly-registered pharmaceutical chemist, and I hereby request 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.

SEVENTH SCHEDULE.

Section 33.

REGISTER OF SHOPS UNDER THE CONTROL OF MANAGERS.

Place where Shop situated.	Proprietor.	Manager.	Date when Appointment registered.	Date when Termination of Appointment registered.

EIGHTH SCHEDULE.

Section 42.

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 (including shop-manager)...	1	0	0