

1962/85

THE PHARMACY REGULATIONS 1944, AMENDMENT NO. 11

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 6th day of June 1962

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Pharmacy Act 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and in accordance with recommendations made by the Pharmacy Board of New Zealand and transmitted by the Board to the Minister of Health, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Pharmacy Regulations 1944, Amendment No. 11, and shall be read together with and deemed part of the Pharmacy Regulations 1944* (hereinafter referred to as the principal regulations).

2. The principal regulations are hereby amended by revoking regulations 22 and 23, and substituting the following regulations:

“22. (1) For the purposes of paragraph (b) of subsection (1) of section 11 of the Act, the period of apprenticeship required to be served by an applicant for registration shall be two years:

Provided that where the applicant satisfies the Board that he is the holder of the degree of Bachelor of Pharmacy granted by the University of Otago, the period of apprenticeship shall be one year.

“(2) For the purposes of section 11 of the Act the Central Institute of Technology, Petone, and the University of Otago are hereby prescribed as approved schools.

“23. Every applicant for a certificate of competency shall produce to the Board such evidence as the Board may require—

“(a) That he has passed or been accredited for the Entrance Examination of the University of New Zealand or such other examination as may for the time being be accepted by the Board as being of equal standard thereto; and

*S.R. 1944/128

Amendment No. 1: S.R. 1945/122
 Amendment No. 2: S.R. 1946/177
 Amendment No. 3: S.R. 1948/14
 Amendment No. 4: S.R. 1948/149
 Amendment No. 5: S.R. 1951/40
 Amendment No. 6: S.R. 1952/144
 Amendment No. 7: S.R. 1955/134
 Amendment No. 8: S.R. 1957/156
 Amendment No. 9: S.R. 1959/215
 Amendment No. 10: S.R. 1962/61

“(b) That he has passed the examinations prescribed by regulation 31 of these regulations or that he has attended the course of training and instruction leading to the degree of Bachelor of Pharmacy of the University of Otago and has passed the examinations required for and entitling him to that degree.

“23A. Unless in any case the Board otherwise decides, every applicant for registration shall produce to the Board—

“(a) A statutory declaration made by the applicant that—

“(i) He has attained the age of 21 years;

“(ii) He has passed the examinations prescribed by the Board to enable him to become registered as a pharmaceutical chemist; and

“(iii) He has faithfully and without unreasonable intermission served for a period to be stated by him therein under articles of apprenticeship approved by the Board and (together with any assignment thereof) recorded under these regulations; and

“(b) His articles of apprenticeship; and

“(c) A statutory declaration by his employer, or, if the apprenticeship was served successively under more employers than one, then by each of such successive employers, in the form numbered 1 in the Fourth Schedule hereto:

“Provided that the Board may, in any case where any such declaration is unobtainable, accept the declaration of any other person having sufficient knowledge of the facts.”

3. Regulation 29 of the principal regulations as amended by the Pharmacy Regulations 1944, Amendment No. 1, is hereby further amended by omitting the words “subsection (2) of section 11”, and substituting the words “subsection (3) of section 11”.

4. (1) The principal regulations are hereby amended by revoking Parts IX and X, and substituting the following Parts:

“PART IX—EXAMINATIONS

“31. The following examinations are hereby prescribed for the purposes of section 11 of the Act:

“(a) An examination to be known as the Pharmacy Professional Examination Stage I which shall be the examination of the New Zealand School of Pharmacy, Central Institute of Technology, Petone, in the subjects prescribed in Part I of the Third Schedule to these regulations or the Medical Intermediate Examination of any university in New Zealand:

“Provided that the Board may exempt any person from any such examination if it is satisfied that he has passed an examination of equivalent standard thereto.

“(b) An examination to be known as the Pharmacy Professional Examination Stage II and to be conducted by the Board of Examiners appointed under subsection (6) of section 11 of the Act in the subjects prescribed in Part II of the Third Schedule to these regulations.

“32. (1) Subject to the provisions of this regulation, candidates shall satisfy the examiners in all subjects in the Pharmacy Professional Examination Stage II in order to gain a pass in that examination:

“Provided, that any candidate who fails in the written papers of one subject in the examination may, subject to the approval of the Board of Examiners, be permitted to sit a special examination in that subject at a time and place to be determined by that Board:

“(2) Any candidate who has been prevented by illness from presenting himself at any examination, or who considers that his performance in any examination has been seriously impaired by illness, may, on application, and with the approval of the Board of Examiners, be granted an aegrotat pass, subject to the following conditions:

“(a) That such illness shall have been reported in writing to the Chief Supervisor or other responsible official at the earliest possible opportunity:

“(b) That as soon as practicable after the examination in question the candidate furnish to the Registrar of the Board a certificate from a registered medical practitioner stating—

“(i) That he examined the candidate medically on a specified date:

“(ii) That in his opinion the candidate was unable through illness to present himself for the examination in question, or that in his opinion the candidate's performance in the examination in question was likely to have been seriously impaired by illness:

“(iii) The nature of the illness – this to be given in sufficient detail to make it clear that the candidate was not responsible for his disability, and in a form suitable for submission in cases of doubt to a medical referee:

“(c) That the candidate's responsible teachers in the subject or subjects of the examination in question certify that his work therein during his course of instruction was well above the minimum pass standard and that he is in their opinion clearly worthy to pass in that subject or subjects:

“(d) That the quality of any work which the candidate has completed in the examination in a subject (including work in papers not affected by his illness) be taken into account:

“(e) Application for an aegrotat pass, accompanied by the medical certificate, shall be made in writing to the Registrar of the Board not later than the thirtieth day of November of the year in which the examination has been held.

“33. (1) The Pharmacy Professional Examination Stage II shall be held at least once in every year at such place or places as may be determined by the Board of Examiners.

“(2) The Board may pay from the funds of the Society a reasonable fee to any member of the Board of Examiners or to any person employed or appointed by the Board of Examiners to assist in the conduct of the Pharmacy Professional Examination Stage II.

“34. No person shall present himself for the Pharmacy Professional Examination Stage I until he has—

“(a) Passed or been accredited with the Entrance Examination of the University of New Zealand or such other examination as may for the time being be accepted by the Board as being of equal standard thereto; and

“(b) Thereafter attended the appropriate course of education and training at one of the schools approved for the purposes of section 11 of the Act for a period of one academic year; and

“(c) Complied with such requirements of the examining body as may be material.

“35. No person shall present himself for the Pharmacy Professional Examination Stage II until he has—

“(a) Passed the Pharmacy Professional Examination Stage I or such other examination as may for the time being be accepted by the Board as being of equal standard thereto; and

“(b) Thereafter attended the appropriate course of education and training at one of the schools approved for the purposes of section 11 of the Act for a period of one academic year; and

“(c) Made application to the Board in writing in that behalf and paid the prescribed fee.

“36. (1) The Board may from time to time in respect of any examination prescribed in regulation 31 of these regulations appoint Assessors who may be paid such fees from the funds of the Society as the Board may determine and who shall have the following duties:

“(a) To assess and determine the standard of the examination papers:

“(b) To examine candidates' scripts after they have been marked by examiners and to agree with the examiners on the pass standard.

“(2) Should an Assessor and an Examiner fail to agree on any matter relating to any examination prescribed in regulation 31 of these regulations, the dispute shall be referred to the Board of Examiners whose decision shall be final.

“PART X—APPRENTICESHIP

“37. (1) No articles of apprenticeship shall be recorded by the Board under which any apprentice is bound to a person who is not for the time being a registered pharmaceutical chemist.

“(2) No articles of apprenticeship of a person under 21 years of age shall be recorded by the Board unless the parent or guardian of the apprentice is a party thereto.

“(3) No articles of apprenticeship shall be recorded by the Board unless they are executed as a deed by all the parties thereto and contain the terms and conditions set out in Part II of the Fourth Schedule hereto or terms and conditions to the like effect.

“(4) Articles of apprenticeship shall be recorded by the delivery thereof to the Board, together with—

“(a) The prescribed fee:

“(b) Two counterpart originals duly executed in like manner as the original, whereof one shall be forwarded with the fact and date of recording endorsed thereon to the employer and the other similarly endorsed to the apprentice.

“(5) Articles of apprenticeship shall be presented for recording within four months of the date thereof, and assignments of articles within one week of the date thereof, unless in any special case the Board thinks fit to extend the respective times hereby prescribed.

“(6) It shall be the duty of the employer to see that articles of apprenticeship and any assignment thereof are duly presented to the Board for recording, and that cancellation of any articles is forthwith notified to the Board.

“(7) Before recording any articles of apprenticeship the Board may require to be satisfied by the employer—

“(a) That his dispensary is of such form and disposition as to provide adequate scope for an apprentice’s activities:

“(b) That the dispensary is sufficiently equipped to enable the apprentice to undertake the proper exercises of his training:

“(c) That, in particular, there is present, and is kept ready for use during the whole currency of the apprenticeship, the plant described in the Fifth Schedule hereto, hereinafter referred to as the Board’s Official List.

“(8) It shall be the duty of the employer to see that the apprentice, throughout the term of his service, has in his possession a suitable notebook, and records therein the dispensing and manufacturing exercises carried out by him; and to supervise the conduct of all such exercises.

“(9) It shall be the duty of the employer to make and give to the apprentice a statutory declaration in the form set out in Part I of the Fourth Schedule hereto when the employer is able to do so.

“38. The number of apprentices (exclusive of apprentices who for the time being have less than 12 more months to serve under articles of apprenticeship) employed in any pharmacy or dispensary shall not exceed—

“(a) Where only one chemist is engaged in the establishment (whether as proprietor, manager, or otherwise), one apprentice:

“(b) For every two additional chemists so engaged, one additional apprentice.”

(2) The Pharmacy Regulations 1944, Amendment No. 2, the Pharmacy Regulations 1944, Amendment No. 4, the Pharmacy Regulations 1944, Amendment No. 6, the Pharmacy Regulations 1944, Amendment No. 8, the Pharmacy Regulations 1944, Amendment No. 10, regulation 5 of the Pharmacy Regulations 1944, Amendment No. 1, and regulation 2 of the Pharmacy Regulations 1944, Amendment No. 7, are hereby revoked.

5. (1) The First Schedule to the principal regulations (as amended by regulation 3 of the Pharmacy Regulations 1944, Amendment No. 7) is hereby further amended by revoking clause 1, and substituting the following clause:

“1. In respect of the Pharmacy Professional Examination Stage II—

“(a) If paid at least 35 days before the date of the commencement of the examination £ s. d. 10 10 0

“(b) If paid less than 35 days before the date of the commencement of the examination 13 0 0”

(2) Subclause (1) of regulation 3 of the Pharmacy Regulations 1944, Amendment No. 7, is hereby revoked.

6. The Second Schedule to the principal regulations is hereby amended by revoking form No. 2 and substituting the following form:

[Form No. 2

“THIS certificate, issued by the Pharmacy Board of New Zealand pursuant to section II of the Pharmacy Act 1939, certifies the competency of of after passing the prescribed examinations and attending the prescribed course of education and training at an approved school.

Signed by direction of the Board this day of 19.....
 Registrar.”

7. The principal regulations are hereby amended by revoking the Third and Fourth Schedules, and substituting the Third and Fourth Schedules contained in the Schedule to these regulations.

8. Notwithstanding the provisions of these regulations the principal regulations shall remain in force and continue to apply in respect of any person to whom subsection (3) of section 3 of the Pharmacy Amendment Act 1959 applies to such extent as may be necessary to give effect to that subsection as if these regulations had not been made.

SCHEDULE

Reg. 31

“THIRD SCHEDULE

SUBJECTS FOR EXAMINATIONS

PART I

The subjects for the Pharmacy Professional Examination Stage I shall be the following:

Chemistry

(Two written papers and two practical papers)

- (i) The elementary principles of physical and general chemistry.
- (ii) The general principles of inorganic chemistry including the sources, methods of preparation, and characteristic properties of the commoner elements and their more important compounds with special reference to those elements and compounds in frequent use in pharmacy.
- (iii) The broad principles of the structural theory of organic compounds. The methods of formation and preparation properties and chief reactions of the simpler organic substances containing the chief functional groups illustrated by reference to compounds used in pharmacy.
- (iv) The elementary principles underlying qualitative and quantitative analysis.

Practical

Candidates must be prepared to carry out practical work to illustrate any aspect of the theoretical section of this syllabus.

Physics

(Two written papers and one practical paper)

- (i) The fundamental principles of mechanics. Properties of matter.
- (ii) The general principles of heat including thermometry; changes in volume with alteration in temperature; specific heat; changes in state; convection; conduction and radiation; laws of cooling; relation between heat and work, and the Gas Laws and Kinetic theory of gases.
- (iii) The general principles of light including photometry; geometrical optics; colour, dispersion, interference, and spectrometry; nature of light and radiation; polarised light.
- (iv) An elementary conception of the nature, production, and propagation of sound.
- (v) The general principles of electric currents including measurement and related topics; magnetic effects and general magnetic phenomena; induced electric currents; chemical effects. Primary and secondary cells. The simple phenomena of static electricity.
- (vi) A general notion of modern physics including atomic structure, X-rays, and associated phenomena.

SCHEDULE—*continued**Practical*

Candidates must be prepared to carry out practical work to illustrate any aspect of the theoretical section of this syllabus.

Biology

(Two written papers and two practical papers)

(i) The distinction between living and non-living matter and between plants and animals including cell structure and division.

(ii) An elementary knowledge of the various groups of plants.

(iii) A general knowledge of the Angiosperms including anatomy, histology, and reproduction.

(iv) The elements of plant physiology.

(v) A general knowledge of comparative zoology including the physiology, reproduction, and life histories of the major Phyla.

(vi) The basic principles of parasitism, commensalism, and symbiosis.

(vii) The structure and physiology of the animal cell and an elementary knowledge of animal histology and embryology.

(viii) The elementary facts of genetics, heredity, variation, and evolution.

Practical

Candidates must be prepared to carry out practical work to illustrate any aspect of the theoretical section of this syllabus.

PART II

The subjects for the Pharmacy Professional Examination Stage II shall be the following:

Pharmaceutical Chemistry

(Two written papers each of three hour's duration and one practical paper of six hour's duration)

(i) The general principles of physical chemistry.

(ii) The general principles of inorganic chemistry with special reference to the preparation, purification, and properties of the elements and compounds in frequent use in pharmacy.

(iii) A general knowledge of the mechanism of organic reactions. The methods of formation and preparation and the general chemical properties of substances containing the chief functional groups illustrative by reference to compounds used in pharmacy.

(iv) The occurrence of impurities in medicinal chemicals and preparations used in pharmacy; the principles underlying qualitative and quantitative analysis; the principles underlying tests for purity.

Practical

Candidates must be prepared to carry out practical work to illustrate any aspect of the theoretical section of this syllabus. (Candidates are permitted to bring for use in the practical examination any books they wish. They will be required to bring to the practical examination their original note books for inspection should the examiners so desire. The examiners are not precluded from asking candidates oral questions during the practical session.)

SCHEDULE—*continued**Pharmaceutics*

(Three written papers each of three hour's duration, and one practical paper of six hour's duration)

- (i) The physico-chemical principles involved in pharmaceutical formulations and operations.
- (ii) The posology of drugs. The compounding and dispensing of medicaments. The preparation, preservation, and storage of pharmaceutical preparations.
- (iii) A fundamental knowledge of microbiology.
- (iv) Immunological preparations; the principles underlying their preparation and use.
- (v) Principles of sterilization and asepsis.
- (vi) The law relating to pharmacy.

Practical

Candidates must be prepared to carry out practical work to illustrate any aspect of the theoretical section of this syllabus. (Candidates will be allowed to bring to the practical examination any books they wish. They will be required to bring to the practical examination their original laboratory note books for inspection should the examiners so desire. The examiners are not precluded from asking candidates oral questions during the practical session.)

Pharmacognosy

(One written paper and one practical paper, each of two hour's duration)

- (i) A general knowledge of the sources, constituents, production, varieties, adulteration, evaluation, and storage of crude drugs, including an elementary knowledge of plant protection.
- (ii) A general knowledge of the tissues and cell inclusions which are diagnostic of crude drugs.
- (iii) Surgical dressings, filtering agents. Lower organisms of pharmaceutical interest such as ergot, penicillium, yeast, actinomycetes, and algae.

Practical

Candidates must be prepared to carry out practical work to illustrate the theoretical section of this syllabus. (Candidates will be required to bring to the practical examination their original laboratory note books for inspection should the examiners so desire. The examiners are not precluded from asking candidates oral questions during the practical session.)

Pharmacology

(One written paper and one practical paper, each of three hour's duration)

- (i) An elementary knowledge of pharmacology including the relationship between substances which are of pharmacological importance and their effect on the physiological functions of the body.
- (ii) An elementary knowledge of the histological structure of the more important tissues.
- (iii) The general principles of biological standardisation.

SCHEDULE—*continued*

Practical

Candidates must be prepared to carry out practical work to illustrate any aspect of the theoretical section of this syllabus including simple experiments in chemical physiology and the recognition and description of microscopic preparations of the more important tissues. (Candidates will be allowed to bring to the practical examination any books (other than books containing references to histology) they wish. They will be required to bring to the practical examination their original laboratory note books for inspection should the examiners so desire. The examiners are not precluded from asking candidates oral questions during the practical session.)”

“FOURTH SCHEDULE

Regs. 23A, 37

PART I

Statutory Declaration of Completion of Apprenticeship

I,, of, being the employer (named in the foregoing articles) (to whom the foregoing articles have last been assigned) do solemnly and sincerely declare:

(1) That being the apprentice named in the foregoing articles has served under the said articles for a period the first and last days of which are 19..... and 19..... in accordance with the terms thereof, at

(2) That during the term (he) (she) observed the hours commonly observed by chemists in the place where the said articles were served without any intermission save and except as follows: (Here state dates of intermission, if any).

And I make this declaration conscientiously believing the same to be true and by virtue of the “Oaths and Declarations Act 1957”.

(Signature of Declarant)

Declared at, this day of before me—

.....
Justice of the Peace in and for the Dominion of New Zealand, or Solicitor of the Supreme Court of New Zealand, or Postmaster, or Registrar of the Supreme Court or of any Magistrate’s Court in New Zealand.

PART II

TERMS AND CONDITIONS OF ARTICLES OF APPRENTICESHIP

Part A—Provisions Binding all Parties

Clause 1—That at any time within three calendar months from the date of these articles either the apprentice or (as the case may be) the parent or guardian of the apprentice if a party hereto may give to the employer, or the employer may give to the apprentice or (as the case may be) to the parent or guardian of the apprentice if a party hereto, one week’s notice in writing of intention to determine the apprenticeship at the date of the expiration of the notice without assigning any reason therefor and upon such date of expiration the apprenticeship shall immediately be determined.

SCHEDULE—*continued*

Clause 2—That the working hours of the apprentice shall be such as are prescribed or permitted by law or, in the absence of legal regulation of such working hours, those that are generally observed by pharmaceutical chemists in the town or district in which the apprenticeship is served.

Clause 3—That any period of time during which the apprentice shall wrongfully absent himself or herself during working hours shall not be taken into account in calculating the term of the apprenticeship.

Clause 4—That the employer may from time to time deduct out of the wages to be paid to the apprentice any reasonable sum for loss of time occasioned by the absence of the apprentice, whether by reason of sickness or other cause, or without cause, and also for any loss sustained by the employer by reason of the negligence or misconduct of the apprentice:

Provided that in the event of the apprentice's absence by reason of sickness not due to the apprentice's misconduct, then in respect of wages payable for a period aggregating two weeks in any year in which such absence occurs no such deduction shall be made, and for the purposes of this proviso a year shall be a period of twelve months computed from the commencing date of service under the articles of apprenticeship or its anniversary.

Clause 5—That if the apprentice shall at any time during the said term be wilfully disobedient to the lawful orders or commands of the employer or be grossly negligent or shall otherwise grossly misbehave towards the employer then and in any such case it shall be lawful for the employer to discharge the apprentice from his service.

Clause 6—That if the employer shall during the said term cease to carry on business in the place aforesaid wherein the same is now being carried on or shall die then the employer or the personal representatives of the employer as the case may be shall use all reasonable efforts to find a new employer in the said place to whom the apprentice may be assigned to serve the balance then unexpired of the term aforesaid but if such efforts shall prove unsuccessful then the employer or the personal representatives as the case may be shall be at liberty to determine this apprenticeship.

Part B—Covenants on the Part of the Employer

Clause 7—That the employer will at all times during the term of apprenticeship provide, for the use and instruction of the apprentice (in common with the employer and other persons entitled to use the same), the plant and equipment for the time being included in the Official List prescribed by the Pharmacy Regulations 1944.

Clause 8—That the employer will during the term of the apprenticeship afford to the apprentice the opportunity, under supervision of a pharmaceutical chemist, of dispensing not less than one thousand prescriptions.

Clause 9—That the employer will during the said term to the best of his skill and knowledge instruct the apprentice or cause the apprentice to be instructed in the art or occupation of a chemist and druggist and in all things incidental thereto as now carried on or hereafter to be carried on by him.

Clause 10—That the employer will pay to the apprentice during the term of the apprenticeship wages at not less than the minimum rates for the time being prescribed by award.

SCHEDULE—*continued**Part C—Covenants on the Part of the Apprentice or (as the case may be) the Apprentice and the Parent or Guardian of the Apprentice*

Clause 11—That the apprentice will during the whole of the said term well and truly serve the employer in his said business all his secrets keep and obey all such lawful directions orders and requests as the employer may give or make.

Clause 12—That the apprentice will not do any damage hurt or injury to the employer or knowingly suffer the same to be done by any other person or persons whomsoever without giving speedy notice thereof.

Clause 13—That the apprentice will at all times and in all respects conduct himself or herself as an honest and faithful apprentice ought to do.

Part D—Covenants on the Part of the Parent or Guardian of the Apprentice

Clause 14—That the apprentice will honestly and faithfully serve an apprenticeship during the said term with the employer in the manner and according to the covenants and provisions aforesaid and herein contained.

Clause 15—That the parent or guardian will during the said term at the cost and charge of the parent or guardian provide the apprentice with proper and sufficient food and clothing and lodging medical attendance and all other necessities.

Clause 16—That in case the apprentice shall at any time during the said term wilfully embezzle spoil or destroy any of the money drugs medicines instruments goods or other property of the employer the parent or guardian will within one calendar month after the same shall have been made known and satisfactorily proved to the parent or guardian pay satisfy and make good to the employer all such money drugs medicines instruments goods and property to the full value and amount thereof.”

T. J. SHERRARD,
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—

- (a) Revise and replace the provisions of the principal regulations relating to the period of apprenticeship required to be served and the evidence required to be produced before an application for registration is accepted;
- (b) Revise and replace the provisions of the principal regulations relating to examinations and apprenticeship;
- (c) Prescribe a scale of fees in respect of the Pharmacy Professional Examination Stage II;
- (d) Prescribe a new form of certificate of competency;
- (e) Prescribe a new syllabus for the Pharmacy Professional Examination;
- (f) Prescribe new terms and conditions of articles of apprenticeship.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 June 1962.

These regulations are administered in the Department of Health.