

1971/90



## THE PHARMACY REGULATIONS 1944, AMENDMENT NO. 18

ARTHUR PORRITT, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 19th day of April 1971

Present:

THE HON. N. L. SHELTON PRESIDING IN COUNCIL

PURSUANT to the Pharmacy Act 1970, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Pharmacy Regulations 1944, Amendment No. 18, and shall be read together with and deemed part of the Pharmacy Regulations 1944\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

**2. Appeals**—(1) Regulation 40 of the principal regulations is hereby amended by adding the following subclauses—

“(12) Notwithstanding anything in the preceding provisions of this regulation, if any person appointed as a member of a Board of Appeal for the purposes of an appeal dies, or if the Minister is satisfied that by reason of any incapacity the member is unable to attend, or that he is unwilling to attend, any hearing or adjourned hearing of the appeal, the Minister may revoke so much of the warrant of appointment as relates to that member, and by a further warrant in writing under his hand appoint another person in his stead. If the new member is appointed as the presiding member, he shall be a barrister, and if appointed as an assessor he shall be a pharmacist. Every assessor appointed under this subclause shall represent the same party to the Appeal as that represented by his predecessor in office, but he need not be specified by, nor need his appointment be desired by, the party whom he shall represent:

\*S.R. 1944/128 (Reprinted with Amendments Nos. 1-14: S.R. 1968/153)

Amendment No. 15: S.R. 1968/242

Amendment No. 16: S.R. 1970/26

Amendment No. 17: S.R. 1971/27

“Provided that nothing in this subclause shall prevent the hearing of any appeal from being adjourned from time to time, or from place to place, or sine die, for the purpose of procuring the attendance of any member of the Board.

“(13) If any person is appointed to be a member pursuant to subclause (12) of this regulation after the hearing of an appeal has begun, the appeal may, at the discretion of the presiding member, proceed from the point at which it was adjourned before the appointment, or may be reheard in whole or in part as the presiding member shall direct.

“(14) For the purposes of this regulation, the term “Magistrate” shall be deemed to include the barrister referred to in subsection (2) of section 51 of the Pharmacy Act 1970.”

(2) Subclause (1) of this regulation shall apply to any appeal which has been commenced although not determined before the commencement of these regulations as well as to any appeal arising after the commencement of the regulations.

P. J. BROOKS,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

These regulations amend regulation 40 of the Pharmacy Regulations 1944 to enable the appointment of a new member of a Board of Appeal instead of a member who has died, or who is unable by incapacity, or who is unwilling, to attend any hearing of the appeal for which the Board is constituted.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 April 1971.

These regulations are administered in the Department of Health.