
Fifth Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 42 of 1981

AN ACT to amend the Pharmacy Board Act, Ch. 29:52.

[Assented to 23rd September, 1981]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. (1) This Act may be cited as the Pharmacy Board Short title and
commencement
(Amendment) Act, 1981.

(2) This Act shall come into operation on such
day as the President may appoint by Proclamation
published in the *Gazette*.

Amendment
of section
2 of the
Pharmacy Board
Act
Ch. 29:2

2. Section 2 of the Pharmacy Board Act (hereinafter referred to as "the principal Act") is amended—

(a) by inserting in their appropriate places in alphabetical order in the section the following new definitions—

"approved" means approved by the Council;

"approved pharmaceutical establishment" has the meaning assigned to that expression in section 18.

"dispense" in relation to a drug, means to supply on and in accordance with a prescription duly given by a registered medical practitioner, a registered dentist, or a registered veterinary surgeon;

"licence" means a pharmacy licence issued under section 27 or a rural shop keeper's licence issued under section 31, as the case may be;

"person" includes any body of persons whether corporate or incorporate;

"poison" means—

(a) any substance referred to in the Third Schedule;

(b) any preparation referred to in the Third Schedule; or

(c) where no preparation is referred to in the Third Schedule in respect of any substance in that Schedule, any preparation containing such substance;

"pre-registration experience" has the meaning assigned to that expression in section 18;

"pre-registration pharmacist" means a person who is registered as such under section 17A;

Third Schedule

Third Schedule

Third Schedule

- “pre-registration tutor” means the pharmacist under whose supervision a pre-registration pharmacist gains pre-registration experience;
- “prescription” means a direction in writing from a medical practitioner, dentist or veterinary surgeon directing the dispensing of any drug or mixture of drugs to a named person;
- “proprietor” in relation to any pharmacy means the person carrying on business in the pharmacy; and includes a part owner;
- “responsible pharmacist” means a pharmacist registered as such in accordance with this Act who has either practised or been employed as such for a continuous period of three years after registration as such under this Act or after having obtained a diploma, degree or certificate accepted by the Council for the purpose of section 18A;
- “rules” means rules made under this Act;
- “the President” means the President of the Board;
- “the profession” means the pharmaceutical profession;
- “the Vice-President” means the Vice-President of the Board;
- “veterinary medicine” means any substance or preparation, that is used or intended for use for the prevention or treatment of any ailment, disease or disorder, deformity, defect, or injury of animals or birds, and includes a drug supplied on a prescription given by a veterinary surgeon;

(b) by deleting from subsection (1) the definitions of "package", "pharmacy", and "prescribed" and substituting the following definitions—

"package" means any box, packet or other article in which drugs are enclosed, and where any such box, packet or other article is itself enclosed in one or more other boxes, packets or other articles, includes each of the boxes, packets or articles so enclosed;

"pharmacy" means a shop or place of business operated for the purpose of—

(a) selling by retail poisons, drugs or devices; or

(b) compounding and dispensing prescriptions given by registered medical practitioners, dentists and veterinary surgeons;

"prescribed" means prescribed by or under this Act.

Amendment of
principal Act

3. The principal Act is amended by inserting next after section 2 the following heading—

"PHARMACY BOARD"

4. Section 7 of the principal Act is hereby repealed and the following substituted therefor—

"Constitution of the Council

7. (1) There shall be a Council of the Board which shall consist of—

(a) two pharmacists, who shall be appointed by the Minister;

(b) six pharmacists, elected at a meeting of the Board duly convened for the purpose; and

(c) two medical practitioners appointed by the Medical Council.

(2) The ten persons referred to in subsection (1) shall respectively be pharmacists and medical practitioners of not less than five years standing.

(3) Except as provided in sections 9 and 10 every member of the Council shall hold office for a term of two years, but may from time to time be re-appointed or re-elected.

(4) Elections for membership of the Council shall be held at such times and places as the Council and the Medical Council may from time to time respectively determine.

(5) The members of each new Council shall take office from the first day of the month immediately following his appointment or that in which the election is held.

(6) A quorum at a meeting of the Council shall be constituted by not less than five members of whom at least one shall be a member appointed by the Minister under paragraph (a) of subsection (1) or a member appointed by the Medical Council under paragraph (c) of subsection (1).

(7) The powers of the Council shall not be affected by any vacancy in its membership or by any defect with respect to the appointment of any of its members.

(8) The Council shall meet at least quarterly.

(9) Every question before the Council shall be determined by a majority of the votes of the members present.

(10) The President shall preside at all meetings of the Council at which he is present and he shall have an original vote; and in the case of an equality of votes he shall also have a casting vote.

(11) In the absence from any meeting of the Council of the President and

Vice-President the Council shall appoint some member present to act as President for that meeting, and the person so appointed shall have and may exercise all the powers and functions of the President for the purposes of that meeting.

(12) Except as expressly provided in this Act or in regulations made hereunder the Council may regulate its own procedure.”.

Duties of Council pending appointment of new council

5. Pending the appointment of the first Council in accordance with the provisions of the principal Act as amended by this Act (hereinafter in this section referred to as the “new Council”), the duties of the Council shall be carried out by members of the Council in office immediately before the commencement of this Act and those members shall vacate office in favour of the new Council on the last day of the month in which the new Council is fully constituted.

Insertion of new section 7A in principal Act

6. The principal Act is amended by inserting next after section 7 the following as section 7A—

“Committee of the Council

7A (1) The Council may, from time to time, appoint committees consisting of two or more members of the Council, and may delegate to any such committee any of the functions or powers of the Council under this Act other than the functions and powers conferred on the Council by section 20.

(2) Every such committee shall be subject in all things to the control of the Council and may at any time be discharged, altered, or reconstituted by the Council.

(3) Any delegation under this section may be revoked at any time.

(4) No delegation under this section shall prevent the exercise of any function or power by the Council.

(5) A Committee appointed by the Council may for the purposes of the execution of its duties employ, at the

expense of the Board, such legal or other assessors or assistants as the committee may think necessary or proper.”.

7. Section 9 of the principal Act is amended by ^{Amendment of section 9 of principal Act} repealing subsection (2) thereof and substituting therefor the following—

“(2) If a member of the Council dies or resigns or otherwise vacates his office the vacancy for the unexpired portion of the term shall be filled in the manner in which the vacant office was originally filled.”.

8. Section 10 of the principal Act is amended by ^{Amendment of section 10 of principal Act} adding thereto next after subsection (4) the following as subsection 5—

“(5) During any vacancy in the office of President or whenever the President is unable to act, whether by reason of absence or illness or otherwise, the Vice-President shall have and may exercise all the powers and functions of the President.”.

9. Section 11 of the principal Act is hereby repealed ^{Repeal and replacement of section 11 of principal Act} and the following substituted therefor—

“Powers and objects of the Council

11. (1) Subject to this Act and the Regulations, the Council shall have sole control and management of the property of the Board and the affairs of the Board shall be managed by the Council.

(2) The objects of the Council shall be—

- (a) to promote and encourage proper conduct amongst pharmacists;
- (b) to promote good relations between pharmacists and doctors;
- (c) to suppress illegal, dishonourable, improper and objectionable practices amongst pharmacists;
- (d) to preserve and maintain the professional status and integrity of pharmacists;
- (e) to publish or distribute in any manner the Council thinks fit publications relevant to the profession;

- (f) generally to promote in any manner which the Council thinks fit the interest of the profession.”.

Repeal and replacement of section 16 of principal Act

10. Section 16 of the principal Act is repealed and the following substituted therefor—

“Rules of the Board and examinations 16. (1) The Council shall, from time to time, make rules for all or any of the following purposes—

- (a) the regulation and good government of the Board and of the members and affairs of the Board;
- (b) prescribing the limits within which any pharmacists may give advice in his professional capacity to members of the public;
- (c) prescribing a code of ethics and rules of discipline in respect of pharmacists and pre-registration pharmacists;
- (d) regulating the sale of drugs by pharmacists and requiring or prohibiting the use by pharmacists of specified methods of selling drugs or soliciting orders for drugs;
- (e) the holding of meetings of members of the Board;
- (f) prescribing rules of discipline in respect of pharmaceutical students and generally for the purpose of carrying into full effect the objects of the Council.

(2) The Council shall—

- (a) appoint and define the duties of examiners in respect of any examination of candidates, other than an examination conducted by a university for the purposes of registration under this Act;
- (b) supervise the holding of examinations other than an examination conducted by a university.”.

11. The principal Act is amended by inserting there-
in next after section 16 the following heading—

Amendment of
principal Act

“REGISTRATION”

12. Section 17 of the principal Act is repealed and
the following substituted therefor—

Repeal and
replacement of
section 17 of
principal Act

“Register of
pharmacists,
pre-registra-
tion phar-
macists,
and phar-
maceutical
students

17. (1) The registrar shall keep and
maintain—

- (a) a register of all persons regis-
tered as pharmacists under this
Act showing their names
and addresses and such other
particulars (if any) as are
prescribed;
- (b) a register of all persons regis-
tered as pre-registration phar-
macists under this Act
showing the name of the
pre-registration tutor and the
name and address of the
approved pharmaceutical estab-
lishment where the pre-registra-
tion pharmacist is gaining his
pre-registration experience;
- (c) a register of all persons regis-
tered as pharmaceutical students
under this Act showing
the name and business address
of the approved pharmaceutical
establishment where the student
is following a course of practical
training in pharmacy.

(2) Immediately after the receipt of
any application for registration the Council
shall consider the application and shall
give such directions in respect of it as the
Council thinks fit.

(3) Where an applicant for regis-
tration is entitled to be registered under
this Act the Council shall so direct the
registrar and the registrar shall thereupon
register the applicant and shall notify him
accordingly.

(4) If an applicant for registration is not entitled to be registered under this Act the Council shall so direct stating the reasons for such direction and the registrar shall thereupon refuse to register the applicant and shall notify him of the refusal and of the reasons therefor.

(5) If an entry is made in the register in error, or by reason of misrepresentation the Council may direct that any necessary entry, erasure or amendment be made in the register and the registrar shall make such entry, erasure or amendment.

Insertion of new section 17A in principal Act

13. The principal Act is amended by inserting therein next after section 17 the following as section 17A—

“Registra-
tion
of phar-
maceutical
students
as pre-
registration
pharmacist

17A. Every pharmaceutical student who—

- (a) has been granted a diploma in pharmacy by the University of the West Indies or such other diploma, degree or certificate as is prescribed; and
- (b) has served as a pharmaceutical student for such term and in accordance with such conditions as may be prescribed

on making application therefor, shall be registered as a pre-registration pharmacist.

Repeal and replacement of section 18 of the principal Act

14. Section 18 of the principal Act is repealed and the following substituted therefor—

“Registra-
tion of
pharmacist

(1) Every applicant for registration as a pharmacist,

(a) who,

- (i) has attained the age of eighteen years; and
- (ii) has established to the satisfaction of the Council that he is of good character; and that he is mentally and physically capable of performing satisfactorily the duties of a pharmacist, and

- (iii) has been granted a diploma in Pharmacy by the University of the West Indies or such other diploma, degree or certificate as may be prescribed or has completed such course of study and passed such examinations as may be prescribed; and
 - (b) who has undergone training as a pharmaceutical student for such term and in accordance with such conditions as are prescribed; and
 - (c) who has produced to the registrar a declaration in the prescribed form that he has satisfactorily undergone a period of pre-registration experience, as a pre-registration pharmacist for such term and in accordance with such conditions as are prescribed; and
 - (d) who has paid the fee for registration prescribed by the regulations
- shall be registered as a pharmacist under this Act.

(2) In this section the expression "pre-registration experience" means a period of full employment in an approved pharmaceutical establishment under the direct supervision of a pharmacist, who has practised for at least three years as a registered pharmacist such pre-registration experience being—

- (a) gained in not more than two of the following pharmaceutical establishments in Trinidad and Tobago approved by the Council for the purpose—
 - (i) a retail pharmacy business;

(ii) the pharmaceutical department of a hospital or similar institution;

(iii) a pharmaceutical industrial establishment;

(b) subject to the conditions prescribed in the Fourth Schedule; and

(c) in conformity with such other conditions as may be prescribed.

Fourth
Schedule

Insertion of new sections 18A, 18B, 18C and 18D in principal Act

15. The principal Act is amended by inserting therein next after section 18 the following as sections 18A, 18B, 18C and 18D:—

“Issue of temporary licence to practise

18A. (1) Notwithstanding section 18 the Council may authorize the registrar to issue a temporary licence to practise pharmacy during the currency thereof and, subject to the terms and conditions contained therein, to any person who establishes to the satisfaction of the Council that he is the holder of a diploma, degree or certificate approved by the Council and is of good character and that he is mentally and physically capable of performing satisfactorily the duties of a pharmacist.

(2) The Council shall determine the nature and extent of each temporary licence, including—

(a) the time during which the licence shall remain in force;

(b) the area to which it shall extend;

(c) the nature and character of the aspect of pharmacy which may be performed under the authority thereof;

(d) such other terms and conditions as the Council may deem it expedient to approve.

(3) The Council may, upon the expiration of the period for such temporary licence and upon being satisfied by the

votes of members of the Council representing not less than four-fifths of all members of the Council that the other conditions therein have been duly met by the person named and that that person is in all respects a fit and proper person to perform the duties of a pharmacist, direct the registration of such person as a pharmacist.

“Registration fees

18B. A person upon being registered as a pharmacist or to whom a temporary licence has been issued shall pay such initial registration fee and annual renewal of registration fee as may be prescribed and every pharmacist upon payment of the annual fee prescribed by the regulations is entitled to a renewal of a certificate of registration which is valid for one year from the date fixed for payment of the annual fee.

“Registration as a pharmacist not to entitle a person to practise medicine, etc.

18C. Registration as a pharmacist under this Act shall not entitle any person so registered to practise medicine or surgery or any branch of medicine or surgery.

Pharmacist to display his certificate

18D. Every pharmacist shall display his certificate of registration or any renewal thereof in a conspicuous position in his pharmacy or in the pharmacy in which he is employed.”

16. Section 19 of the principal Act is repealed and the following substituted therefor—

Repeal and replacement of section 19 of principal Act

“Inspection and publication of register

19. (1) The register shall be open to public inspection at all reasonable times on payment of such fee as may be prescribed.

(2) The registrar shall, on registration being effected, issue to the pharmacist a certificate of registration.

(3) If the name of any person to whom a certificate of registration had been issued has been removed from the register

pursuant to the provisions of this Act the Council may direct him to return his certificate of registration to the registrar.

(4) Every person who fails to return his certificate of registration to the registrar within one month after he has been directed by the Council to do so under subsection (3) is guilty of an offence.

(5) The Council shall, on or before the 15th day of January in each year, cause to be printed and published in the *Gazette* a list of the names of all pharmacists in alphabetical order, with their addresses, as they appear in the register on the date specified in the list."

Further amend-
ment of
principal Act

17. The principal Act is amended—

(a) by inserting therein next after section 19 the following as section 19A—

"Suspension
from
practice
because of
disability

19A. (1) If it appears to the Council that any pharmacist is by reason of mental or physical disability unable to perform his professional duties satisfactorily, the Council may by notice in writing signed by the President, Vice-President or Registrar, and served on the pharmacist, require the pharmacist, at the expense of the Board, to submit himself for examination by a registered medical practitioner named in the notice within such reasonable time, being not less than seven days, as may be specified in the notice.

(2) If a registered medical practitioner makes an examination of any pharmacist under subsection (1) he shall as soon thereafter as practicable make a report in writing to the registrar as to the mental and physical condition of the pharmacist examined so far as that affects his capacity to perform his professional duties satisfactorily.

(3) If a notice in writing has been served on a pharmacist under subsection (1), but the pharmacist has not by the time

specified in the notice submitted himself for examination by the medical practitioner named in the notice, the Council may, after considering all relevant circumstances and after giving the pharmacist a reasonable opportunity to be heard, suspend the pharmacist from practice as a pharmacist if it is satisfied that he is by reason of mental or physical disability unable to perform his professional duties satisfactorily.

(4) If a notice in writing has been served on a pharmacist under subsection (1) and the registrar has received a written report in respect of the pharmacist from the medical practitioner named in the notice the Council may, after considering the report and all relevant circumstances and after giving the pharmacist a reasonable opportunity to be heard, suspend the pharmacist from practice as a pharmacist if it is satisfied that he is by reason of mental or physical disability unable to perform his professional duties satisfactorily.

(5) Any suspension under this section shall take effect forthwith, but may at any time be revoked by the Council.

(6) While any person is so suspended from practice under this section, that person shall for the purposes of sections 20 to 22 be deemed to be registered as a pharmacist but for any other purpose of this Act he shall be deemed not to be so registered.

(b) by inserting next after section 19A the following heading—

“DISCIPLINE AND APPEALS”

Amendment of
section 20 of
principal Act

18. Section 20 of the principal Act is amended—

- (a) by deleting from subsection (1) all the words preceding paragraph (a) of that subsection and substituting therefor—

“If a complaint is made to the Council, or the Council has reason to believe, that any pharmacist—

(i) has been guilty of infamous conduct or negligence in a professional respect; or

(ii) has been convicted by any court in Trinidad and Tobago of any offence punishable on indictment; or

(iii) has been convicted by any court outside of Trinidad and Tobago of any offence which, if committed in Trinidad and Tobago, would render such person liable to conviction on indictment; or

(iv) has been convicted of any offence under this Act,

the Council after due enquiry may—”.

- (b) by deleting from paragraph (c) of subsection (1) the words “if the Minister consents, give a written order to the registrar to strike the name” in the third and fourth lines thereof and substituting therefor—

“give a written order to the registrar to remove the name”.

- (c) by adding the following as subsection (4)—

(4) A pharmacist whose name has been removed from the register under subsection (1) or who has been suspended under that subsection shall not until his name has been restored to the register or until the period of suspension has expired operate a pharmacy either on his own behalf or as an employee.”.

19. Section 21 of the principal Act is repealed and the following substituted therefor. Repeal and replacement of section 21 of principal Act

“Appeals from decisions of the Council

21. (1) Any person who is directly affected by any decision of the Council and is aggrieved by the decision may within six weeks after the date on which notice thereof is given to him by the registrar, appeal to a Judge in Chambers; and the Judge may give such directions in the matter as he thinks proper, including any directions as to the costs of the appeal.

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(2) Rules of Court may be made in the manner set out in sections 77 and 78 of the Supreme Court of Judicature Act, with respect to the conduct and hearing of appeals under this section.

(3) In the determination of an appeal under this section the Judge may confirm, modify or reverse a decision of the Council.

(4) A decision of a Judge under this section shall be final.”.

20. Section 22 of the principal Act is amended by deleting the words “with the consent of the Minister” in the first line of the section. Amendment of section 22 of the principal Act

21. The principal Act is amended by inserting there- in next after section 22 the following heading— Amendment of principal Act

“DRUGS”

22. Section 23 of the principal Act is amended by adding the following as subsection (3)— Amendment of section 23 of principal Act

“(3) The requirements of this section and section 24 shall be deemed to have been complied with, whether the pharmacist in question is the proprietor of the pharmacy or not, if he is in fact engaged in the work of supervising, directing and controlling the retailing, dispensing or compounding of drugs or devices or of dividing, or subdividing, or otherwise.”.

Repeal and replacement of section 24 of principal Act

23. Section 24 of the principal Act is repealed and the following substituted therefor—

“24 (1) Subject to this Act any person other than

(a) a pharmacist, or

(b) a pre-registration pharmacist or a pharmaceutical student acting under the direct personal supervision and in the presence of a pharmacist, who dispenses a prescription or prepares or compounds drugs for retail shall be guilty of an offence.

(2) Any person who employs or authorises or permits another person who is not—

(a) a pharmacist, or

(b) a pre-registration pharmacist or pharmaceutical student acting under the direct personal supervision and in the presence of a pharmacist, to dispense any prescription or prepare or compound drugs for retail shall be guilty of an offence.

Further amendment of principal Act

24. The principal Act is amended by inserting next after section 25 the following heading—

“OWNERSHIP AND CONTROL OF PHARMACIES”

Repeal and replacement of section 26 of principal Act

25. Section 26 of the principal Act is repealed and the following substituted therefor—

“Every pharmacy to be under supervision of a responsible pharmacist

26. (1) Notwithstanding anything in this Act no person shall keep, or permit to be kept, or managed any pharmacy unless it is under the immediate supervision and control of a responsible pharmacist who shall be responsible for carrying out the professional operations of the pharmacy and for compliance with this Act and of any other enactment as to everything relating to the pharmacy.

(2) A responsible pharmacist shall not be responsible for more than one pharmacy at any one time.

(3) Every person operating a pharmacy shall within seven days of the commencement of such operation notify

the registrar in writing of the name of the pharmacist employed for the purpose of subsection (1), and of any change of person so employed and any such person who fails to do so shall be guilty of an offence.

(4) A responsible pharmacist, after notifying the registrar in writing of his intention, may authorise another responsible pharmacist to act in his stead in the pharmacy for which he is responsible for a specified period, and, upon being so authorised, the other pharmacist shall in all respects have the same powers as the pharmacist.

First
Schedule

(5) This section shall not apply to the sale by any person of any article or substance referred to in the First Schedule, except that,

(a) where the article or substance is sold by retail it shall be labelled as prescribed by the regulations respecting such article or substance, and

(b) where the article or substance is sold by retail for the prevention or treatment of any ailment, disease or physical disorder by any person other than a pharmacist, it shall be sold in the container in which it was purchased by the person who so sells it by retail.

(6) Nothing in this section shall prevent a pharmacist who immediately before the commencement of this Act had the immediate supervision, and control of a pharmacy from continuing to exercise such supervision, direction and control.

(7) Every person who contravenes or fails to comply with any provision of this section is guilty of an offence.”.

Insertion of new section 26A in principal Act

26. The principal Act is amended by inserting therein next after section 26 the following as section 26A—

“Duty of pharmacist

26A. A pharmacist who permits any person, other than another pharmacist, to direct, influence, or participate in the professional business of the pharmacy for whose management and conduct he is responsible is guilty of an offence.”

Repeal and replacement of section 27 of principal Act

27. Section 27 of the principal Act is repealed and the following substituted therefor—

“Licensing and registration of pharmacies

27. (1) Any person who uses any place as a pharmacy shall unless a licence has been granted by the Council for the use of the place as a pharmacy be guilty of an offence.

(2) No premises shall be licensed as a pharmacy unless they comply with the prescribed regulations as to space, equipment and facilities.

(3) The Council shall keep a register of all premises licensed as pharmacies, together with the names of the proprietor and of the pharmacist employed for the purposes of section 26 and such other particulars as may be prescribed.”

Insertion of sections 27A, 27B and 27C in principal Act

28. The principal Act is amended by inserting next after section 27 the following as sections 27A, 27B and 27C.

“Persons carrying on pharmacies to conform with conditions of licence

27A. (1) No person, other than a pharmacist, either alone or in partnership, shall establish or carry on business, in a pharmacy, unless a licence has been granted to him by the Council under section 27 for the purpose and he conforms with conditions prescribed by the Council, and any person who acts in contravention of this section is guilty of an offence.

(2) Notwithstanding subsection (1)

(a) a personal representative of a deceased pharmacist;

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(b) an assignee within the meaning of the Bankruptcy Act or any Act enacted in lieu thereof, carrying on a pharmacy in his capacity as assignee of the estate of a pharmacist;

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(c) a liquidator carrying on a pharmacy under the authority of section 182 of the Companies Ordinance, or of any provision enacted in lieu thereof;

(d) a receiver or manager of the property of a company carrying on, subject to Part VI of the Companies Ordinance or any provision enacted in lieu thereof, a pharmacy comprised in the property of the Company,

may carry on business in a pharmacy for a period of not more than one year from the date respectively of the death of the deceased pharmacist or the date of the first appointment of an assignee in respect of an estate comprising a pharmacy, or the date of the first appointment of a liquidator, receiver, or manager in respect of a company which has carried on a pharmacy.

Applications
for
pharmacy
licence

27B. (1) Every application for a pharmacy licence under this Act shall be in the prescribed form and shall be forwarded to the secretary of the Board together with the prescribed licence fee and in any case in which the applicant is a body corporate shall be signed by the pharmacist who is to have the management and conduct of the pharmacy as well as by the applicant.

(2) On receiving an application for a pharmacy licence, the secretary shall cause the application to be transmitted to the Council, who shall consider the application.

(3) In considering such application the Council shall have regard to the public

interest and the interests of the pharmaceutical profession, and for such purposes, shall ensure, so far as is consistent with the provision to the public of a full, efficient and economic service in respect of the supply of drugs and pharmaceutical goods, that the operations of pharmacies are controlled by pharmacists; and without prejudice to the generality of the foregoing the Council shall have regard to—

- (i) the size, provisions for sanitation and safety of the premises in which the pharmacy business is to be conducted in pursuance of the licence;
- (ii) such other matters as, having regard to its function under subsection (3) of section 27c the Council thinks proper.”.

Decision of
Council

27c. (1) The Council shall grant an application made under section 27B for a pharmacy licence where the Council is satisfied that the requirements of this Act and any regulations made thereunder have been satisfied and the Council may refuse the grant of such licence on the ground that the name proposed is, in the opinion of the Council, objectionable, undesirable or misleading or on the ground that the requirements of this Act or any regulations made thereunder have not been satisfied.

(2) Every person to whom a pharmacy licence has been granted shall at all times cause the same to be kept displayed in a conspicuous position in the pharmacy in respect of which it is granted and in any case in which the provisions of this subsection are not complied with the proprietor and any person concerned in the management of such pharmacy is guilty of an offence.

(3) Every licence for a pharmacy owned by a company shall be issued in the name of the pharmacist who has the management and conduct of the pharmacy and has signed the application for such licence as prescribed by section 27B.

(4) Where on an application for a licence under section 27B the Council refuses to grant the licence, the Council shall serve on the applicant a notice stating the reasons for their decision.”.

29. The principal Act is amended by inserting there-^{Insertion of new sections 28A and 28B in principal Act} in next after section 28 the following as sections 28A and 28B—

“Prescriptions

28A. (1) Every pharmacist shall—

- (a) number every prescription which is brought to his pharmacy to be filled;
- (b) file each such prescription, or, if the person for whom the prescription was provided desires to retain the original prescription and such prescription does not prescribe any dangerous substance or quantities of any substance that would make it inadvisable for the pharmacist to part with the same, file a true copy of such prescription;
- (c) record in legible handwriting in a book the number and date of each prescription filled in his pharmacy, the name of the person for whom, and of the medical practitioner by whom, the same was given, the particulars of every prescription, and the directions which accompanied the medicine.

(2) The record referred to in paragraph (c) of subsection (1) shall be open at all times to the inspection of the Chief Medical Officer and the Commissioner of

Police, on the written authority of the Director of Public Prosecutions, and shall be produced whenever required by any Court, Magistrate or Coroner, in the course of any inquiry or investigation which such Court, Magistrate or Coroner has authority to institute or hold.

(3) A prescription, or as the case may be, a copy of a prescription filed under subsection (1) shall remain on the file of the pharmacist for not less than two years.

Breach of duty of pharmacist to dispense drugs as prescribed by medical practitioner

28B. Where a pharmacist who is required to fill a prescription brought to his pharmacy to be filled—

- (a) without the express consent of the medical practitioner concerned selects and compounds or dispenses a drug in substitution for any drug that is required by such prescription; or
- (b) fails to satisfy the requirements of such prescription either as to quality or quantity; or
- (c) in any other manner fails in his duty to compound and dispense drugs as and when prescribed by a medical practitioner,

he is guilty of an offence.”.

Amendment of section 29 of principal Act

30. Section 29 of the principal Act is amended by deleting the words “as originally packed by the manufacturers”.

Amendment of section 31 of principal Act

31. Section 31 of the principal Act is amended by deleting the word “fifteen” in the third line and substituting therefor the word “thirty”.

Repeal and replacement of section 32 of principal Act

32. Section 32 of the principal Act is repealed and the following substituted therefor—

“Containers to be marked “Poison” in case of certain drugs

32. (1) (a) Any person who sells poison by wholesale shall, unless the word “Poison” is legibly and conspicuously displayed on the outer surface of the container in which the poison is contained, be guilty of an offence;

(b) Any person who sells poison by retail shall, unless the word "Poison", the name of the poison, the name and address of the proprietor of the establishment in which the poison is sold are legibly and conspicuously displayed on the outer surface of the container in which the poison is contained, be guilty of an offence.

Third
Schedule

(2) Any person who sells by retail any poison referred to in Part I of the Third Schedule to any person unknown to him is, unless the prospective purchaser is introduced to him by some person known to him and who knows the prospective purchaser, guilty of an offence.

Third
Schedule

(3) A record of every sale of poison referred to in Part I of the Third Schedule shall be entered in a book kept by the seller for that purpose.

(4) The record of a sale shall include the following information—

- (a) the date of the sale;
- (b) the name and address of the purchaser;
- (c) the name and quantity of the poison sold;
- (d) the purpose for which it is stated by the purchaser to be required;
- (e) where the purchaser is unknown to the seller the name of the person who introduced the purchaser, and in any case in which the provisions of the section are contravened or not complied with the pharmacist or other person so offending shall be guilty of an offence.

(5) When the seller has completed the record he shall cause the purchaser to sign it and shall sign it himself.

Third
Schedule

(6) The seller of any poison referred to in Part I of the Third Schedule who delivers it to the purchaser before a record of the sale has been completed and signed in accordance with this section is guilty of an offence.

(7) Subsections (1), (2) and (3) shall not apply to the sale of a poison where that poison forms part of the ingredients of any drug prescribed by a registered medical practitioner, dentist or veterinary surgeon, provided that the name and address of the seller are legibly and conspicuously displayed on the outer surface of the container in which the drug is sold.

Third
Schedule

(8) Any person retailing a drug who fails to take such steps as are necessary to ensure that any special or dangerous properties inherent in the application, use or administration of the drug when applied, used or administered according to adequate directions, are made known to and are understood by the purchaser is guilty of an offence; and, without restricting the generality of the foregoing, this provision shall apply to the poisons referred to in Part I of the Third Schedule and with respect thereto any pharmacist who fails to satisfy himself that the purpose for which the purchaser states that he is buying or purchasing the said poison is a proper one is guilty of an offence."

Amendment of
principal Act

33. The principal Act is amended by inserting therein next after section 32 the following heading—

“GENERAL”

Amendment of
principal Act

34. The principal Act is amended by inserting therein next after section 38 the following section as section 38A.

"Fees

38A. (1) There is payable to the registrar for the use of the Board the fees prescribed by regulations made under section 40 in respect of the matters specified in the said regulations.

(2) Until the prescribed fee has been paid the registrar may decline to do any act, or to permit any act to be done, or to receive any document, in respect of which that fee is payable."

35. Section 40 of the principal Act is hereby amended— Amendment of
section 40 of
principal Act

- (a) by deleting from subsection (1) all the words preceding paragraph (a) and substituting therefor—

"The Minister may, from time to time after consultation with the Council, make regulations for carrying out the purposes of this Act and for giving full effect to its provisions and without limiting the generality of the foregoing, with respect to—"

- (b) by adding at the end of paragraph (a) of subsection (1) of the section the following—

"and the registration and training of pre-registration pharmacists and the terms and conditions of pre-registration experience;"

- (c) by inserting next after paragraph (d) of subsection (1) of the section the following new paragraph as paragraph (dd)

"(dd) providing for the approval by the Council of persons who may be registered as pharmacists without examination and prescribing the qualifications of such persons"

- (d) by adding at the end of paragraph (e) of subsection (1) of the section the words "and by pre-registration pharmacists;"

- (e) by re-lettering paragraph (m) of subsection (1) as paragraph (o);
- (f) by adding the following paragraphs to subsection (1) as paragraphs (m), and (n)—
 - (m) The amendment of the First, Second and Third Schedules.
 - (n) Prescribing forms to be used for the purposes of this Act.
- (g) by deleting from subsection (2) of the section the words “three hundred dollars or imprisonment for three months” and substituting therefor the words “one thousand dollars or imprisonment for six months”.

Repeal and
replacements of
section 41 of
principal Act

36. Section 41 of the principal Act is hereby repealed and the following substituted therefor—

“Penalties

41. (1) Any person who, contrary to this Act or to any regulations made thereunder—

- (a) sells, offers for sale or keeps for sale;
- (d) dispenses or compounds; or
- (c) fails to keep records as required by this Act or the regulations in respect of the sale of any drugs; or
- (d) knowingly sells any poison or drug under the representation or pretence that it is a particular poison or drug that it is not, or contains any substance that it does not contain; or
- (e) sells by retail, compounds or dispenses without a prescription given therefor a drug which he is required by any provision of this Act or any regulations made thereunder or by any other enactment to dispense only on prescription signed by a medical practitioner,

is guilty of an offence and liable on summary conviction for a first offence to a fine of two thousand dollars or to a term of imprisonment for six months and for each subsequent offence to a fine of five thousand dollars or to a term of six months imprisonment.

(2) Any person guilty of an offence under this Act for which no penalty is otherwise provided is liable on summary conviction to a fine of two thousand five hundred dollars and, if the offence is a continuing one, to a further fine not exceeding twenty-five dollars for every day during which the offence is continued after written notice thereof from the Council.

(3) If a body corporate commits an offence under this Act or under any regulations made under section 40 every director and every person concerned in the management of the body corporate with whose knowledge, authority, permission or consent the act constituting the offence took place, himself commits an offence, and is liable on summary conviction to a fine not exceeding that imposed on the body corporate.

(4) If any person is convicted of any offence under sections 25, 26, 27, 27A, 27(c)(2) or 28B the Court may, in addition to any penalty it imposes—

- (a) order that the carrying on of the business be discontinued, absolutely or for a period fixed by the Court, either by closing the premises or in any other manner deemed suitable by it to ensure effective discontinuance;
 - (b) order the person sentenced to refrain in that business from any act specified in the order,
- and a person who does not comply with a court order under this subsection is liable

to a fine of one thousand dollars or to imprisonment for a term of six months and to a fine of fifty dollars in respect of every day that the offence continues after service of the Order.”.

Repeal and replacement of section 42 of principal Act

37. Section 42 of the principal Act is repealed and the following substituted therefor—

“Duty of nurses

42. Nothing in this Act shall render unlawful the administration, with the approval and under the supervision of a member of the Medical Board, by any registered nurse of any drug to any patient.”.

Amendment of section 43 of principal Act

38. Section 43 of the principal Act is amended—

(a) by deleting paragraphs (c) and (d) of the section and substituting the following therefor—

“(c) shall render unlawful the compounding, supplying in reasonable quantities or administering by a medical practitioner or dentist of such drugs or devices as may in the course of the practice of his profession be rendered urgently necessary for the treatment of his patient;

(cc) shall render unlawful the compounding, supplying or administering by a medical practitioner of such drugs or devices, as he may require for the purpose of carrying out medical research;

(d) shall render unlawful the compounding, supplying in reasonable quantities or administering by a veterinary surgeon of such veterinary medicine as may in the course of the practice of his profession be rendered urgently necessary for the treatment of an animal;”.

(b) by inserting in paragraph (f) next after the words "hospital or" the words "in any".

39. Section 43 of the principal Act is amended by inserting therein next after section 43 the following as Insertion of new section 43A in principal Act

"Payment of fees, allowances and travelling expenses

43A. (1) The Council may pay out of funds of the Council the reasonable travelling expenses of any member of the Council, or of the registrar, or of any officer or employee of the Council, or of any member of the Board attending a meeting of the Council or of any committee of the Council, or by the authority of the Council attending any conference or convention or being engaged in any matter of business of the Council, or for any other purpose approved by the Council.

(2) The member of the Council may also be paid such further fees and allowances as may be fixed by the Council with the consent of the Minister."

40. Section 44 of the principal Act is amended by deleting all the words from the word "authorised" to the end of the section and substituting therefor the following— Amendment of section 44 of principal Act

"authorised in writing by the Director of Public Prosecutions".

41. The principal Act is amended by deleting the word "apprentice" wherever it occurs and substituting therefor the word "student". Amendment of principal Act

42. (1) Sections 33 and 39 of the principal Act are repealed. Repeals and Savings

(2) Notwithstanding the repeal of section 39 any medical practitioner who immediately before the commencement of this Act is registered as a pharmacist and holds a diploma which is recognised by the Council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill to practise pharmacy shall continue to be registered as such pharmacist.

(3) Notwithstanding the repeal of section 39 any medical practitioner who immediately before the commencement of this Act is registered as a pharmacist but does not hold such diploma as is referred to in subsection (2) shall, continue to be registered as such pharmacist for a period of one year from the commencement of this Act.

(4) No alteration in law effected by this Act shall prevent a pharmacist who immediately before the commencement of this Act had the immediate supervision and control of a pharmacy from continuing to exercise such supervision and control after the commencement of this Act.

(5) All persons registered as pharmacists immediately prior to the commencement of this Act shall continue to be so registered under the principal Act.

Addition of
Fourth
Schedule to
principal Act

43. The principal Act is amended by the addition thereto of the Second Schedule of this Act as the Fourth Schedule to the principal Act.

Repeal and
replacement of
the Second and
Third Schedules
of principal Act.
First Schedule

44. The Second and Third Schedules to the principal Act are repealed and the Schedules in the First Schedule to this Act substituted therefor.

THE FIRST SCHEDULE TO THIS ACT Section 44

NEW SECOND SCHEDULE TO PRINCIPAL ACT

SECOND SCHEDULE Sections 29 and 31

Aspirin tablets	Calamine lotion
Paracetamol tablets	Optrex eye lotion
Andrews liver salts	Camphorated oil
Boric powder	Eucalyptus oil
Epsom salts	Vicks
Glauber salts	Thermogene rub
Enos fruit salts	Bengues Balsom
Grapefruit salts	Lion oil
Senna leaves and pods	Tiger balm and oil
Saccharin tablets	Canadian healing oil
Throat Pastilles or tablets	Absorbine
Zinc powder (in sealed vials)	Sacrool

SECOND SCHEDULE—CONTINUED

Milk of Magnesia	Collis Brown mixture
Cod liver oil	Cough mixture without anti-histamines or narcotic devices
Beef, Iron and Wine	Zinc oxide plaster
Codol	Cotton wool
Ferrol	Lint
Sanatogen tablets and powder	Bandages (plain and medicated)
Mercurachrome solution	Elastic adhesive plaster (plain and medicated)
Friars balsam	Condoms
Dettol	Patent and proprietary medicines approved by the Council and not containing any drug required to be sold on prescription only or any narcotic drug within the meaning of the Narcotics Ordinance, 1961 (Ordinance No. 27 of 1961)
Listerine	
Savlon	
Hydrogen peroxide	
Tincture of Iodine	
Woodwards gripe water	
Ashton and Parsons Teething Powder	

NEW THIRD SCHEDULE TO PRINCIPAL ACT

THIRD SCHEDULE

Section 32

PART I

Aconite or alkaloids or preparations thereof except external preparations containing less than 0.2 per cent aconitine	ing more than 0.1 per cent by weight
Alkaloids or Glycosides: all poisonous vegetable alkaloids or glycosides not specifically mentioned elsewhere in these Schedules or their salts or all poisonous derivatives thereof	Belladonna or preparations or compounds thereof except plasters and except as provided in Part II of this Schedule
Amyl Nitrite	Cantharides or its derivatives or preparations
Antimony or compounds	Carbon disulfide
Arsenic or preparations or compounds thereof, except as provided in Part II of this Schedule	Chloroform, except when in internal preparations as therapeutic ingredient or preservative
Atropine or its salts and internal preparations containing more than 0.13 mg per stated dose or other preparations contain-	Conium or preparations thereof
	Cottonroot, the oil, derivatives or preparations
	Croton oil
	Cyanides, other than complex salts thereof
	Digitalis, its glycosides, or preparations of either Emetine

THIRD SCHEDULE—PART I—Continued

Ergot alkaloids or Extracts Tinctures	Pennyroyal, the oil, derivatives or preparations
Ether, except Commercial	Phenol (Carbolic Acid), except in preparations or 5 per cent or less Picrotoxin
Ethyl Chloride	Potassium Antimonyltartarate (Tarter Emetic) except when in internal preparations as a therapeutic ingredient containing not more than 3.3 mg per stated dose
Glycosides or Alkaloids: all poisonous vegetable alkaloids or glycosides not specially mentioned elsewhere in these Schedules or their salts or all poisonous derivatives thereof	Potassium Chlorate
Henna Berries	Potassium Permanganate or preparations thereof
Hydrocyanic (Prussic) acid	Rue, the oil, derivatives or preparations
Hyoscyamis or preparations or compounds thereof, except as provided in Part II of this Schedule	Santonin, except when in internal preparations as a therapeutic ingredient containing not more than 65 mg per stated dose
Hyoscine (Scopoloamine) or its salts and internal preparations containing more than 0.325 mg per stated dose or inhalant preparations containing more than 0.05 per cent by weight	Savin, the oil, derivatives or preparations
Lobelia or alkaloids or preparations thereof, except internal preparations containing not more than the equivalent of 2 mg per stated dose of lobeline and external preparations containing not more than the equivalent of 6 grains per stated dose of crude lobelia	Selenium or any salt thereof or preparations containing selenium or any salt thereof
Mercurial Salts, except Calomel	Sodium Chlorate
Mercury, oxides thereof	Sodium Fluoride (when greater than 5 per cent)
Nitroglycerin, except in tablet form	Stramonium or preparations thereof, except when in internal preparations as a therapeutic ingredient containing not more than 0.16 mg per stated dose
Nux Vomica or preparation thereof	Strophanthus or preparations thereof
Oil of Bitter Almonds, unless deprived of Hydrocyanic (Prussic) Acid	Strychnine or its salts in preparations containing the equivalent of 2 per cent or more of strychnine alkaloids
Oil of Croton	Tansy, the oil, derivatives or preparations
Oxalic Acid	Yohimbine, or its alkaloids or preparations
Oil of Wintergreen or Methyl Salicylate, except when in internal preparation solely as a flavouring agent or in aerosol preparations as a fragrance	

THIRD SCHEDULE—CONTINUED

PART II

Acetanilide (except) when not more than 65 mg per stated dose	Cedar oil from leaf or wood
Acid Acetic (33 per cent or stronger)	Chenopodium or preparations
Acid Chromic or its salts	Colchium or Colchicine
Acid Hydrochloric	Copper salts or compounds, except in trace amounts
Acid Nitric	Nitrobenzene (when labelled as such or as nitrobenzol or as oil or Mirbane, and when the label bears the name of the pharmacy in which sale is made and the following wording "Poison"—This chemical is poisonous when taken internally, inhaled or in contact with the skin. Handle with care and avoid skin contact and inhalation of vapours
Acid Phosphoric	
Acid Picric (Trinitrophenol)	
Acid Sulphuric	
Arsenic when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those generally recognized as safe medication	
Atropine or its salts and internal preparations containing not more than 0.13 mg per stated dose or other preparations containing not more than 0.1 per cent weight	Nitroglycerine in tablet form
Barium salts, water soluble, including chloride and sulphide	Phenol in preparations under 5 per cent
Belladonna when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those generally recognized as safe medication	Creosote or preparations thereof
Bromides, salts, compounds or derivatives	Cresol (Cresylic Acid) or its preparations, the homologues of Cresol or their preparations when stronger than 5 per cent Cresol
Hyoscine or its salts and internal preparation containing not more than 0.325 per stated dose	Digitalis or derivatives
Iodides, salts or compounds, except in trace amounts	Ephedrine, or its salts, except when in inhalant form or in internal preparations containing not more than 11 mg per stated dose
Iodine or preparations thereof	Guaiacol, except when in internal preparations as a therapeutic ingredient
	Potassium Nitrite
	Rubbing alcohol compound
	Sabadilla seeds
	Silver salts or preparations
	Sodium Hydroxide
	Sodium Nitrite
	Stavesacre

THIRD SCHEDULE—PART II—*Continued*

Iodoform	Strychnine when combined
Lead salts or preparations	with other medicinal ingredi-
Mercurous Chloride (Calomel)	ents in recognized thera-
Mercury	peutic dosage forms and in
Mercury with chalk	doses not exceeding those
Phosphorus in free state	generally recognized as safe
Potassium Hydroxide	medication
	Zinc salts except in trace
	amounts

THE SECOND SCHEDULE TO THIS ACT Section 43

FOURTH SCHEDULE

PRE-REGISTRATION EXPERIENCE Section 18
REQUIREMENTS

1. In an application for the approval of a pharmaceutical establishment a pharmacist shall be named as the pre-registration tutor who, except in circumstances approved by the Council, shall ensure that during any period of pre-registration experience each pre-registration pharmacist is under the supervision of a registered pharmacist.

2. The pre-registration tutor shall undertake to provide the experience required by the Council, and shall fulfil such other requirements as may be resolved by the Council from time to time.

3. The total duration of pre-registration experience shall be for at least twenty-six weeks.

4. The Registrar shall be informed of any sick leave and any allowance for such leave shall be at the discretion of the registrar.

5. Within a twenty-six weeks programme undertaken in one establishment it shall be permissible, with the mutual agreement of the pre-registration tutor and the pre-registration pharmacist to include up to four weeks experience in another approved establishment in the same or in another aspect of pharmacy.

Passed in the House of Representatives this 21st day of August, 1981.

J. E. CARTER

Clerk of the House

Passed in the Senate this 1st day of September, 1981.

R. L. GRIFFITH

Clerk of the Senate