



ANNO SEXTO

GEORGII VI REGIS.

A.D. 1942.

No. 27 of 1942.

An Act to amend the Pharmacy Act, 1935-1937.

[Assented to 19th November, 1942.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof as follows :

1. (1) This Act may be cited as the "Pharmacy Act Amendment Act, 1942". Short titles.

(2) The Pharmacy Act, 1935-1937, as amended by this Act, may be cited as the "Pharmacy Act, 1935-1942".

(3) The Pharmacy Act, 1935-1937, is hereinafter called "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following section is enacted and inserted in the principal Act after section 22 thereof :— Enactment of s. 22a of principal Act—

22a. (1) Notwithstanding any other provision of this Act, a person, whether under or over the age of twenty-one years, shall be entitled to receive a certificate from the board if he— Registration when apprenticeship served during war.

(a) has during the continuance of the war, and whether before or after the enactment of this section, entered into indentures of apprenticeship by which he was bound to serve for not less than three years as an apprentice in the business of a registered pharmaceutical chemist ; and

(b) has served as apprentice under such indentures for not less than three years ; and

(c) produces to the board a certificate from the proper officer of the University of Adelaide that he has passed the leaving examination of the said University or some other examination equivalent thereto or has passed a preliminary examination before the board or examiners appointed thereby in the subjects of Latin, English, Arithmetic and any prescribed subject; and

(d) has passed, whether in the order or within the times prescribed by the regulations or not, examinations before the board or examiners appointed thereby, in the subjects of practical pharmacy, chemistry and any prescribed subject.

(2) For the purpose of any application for registration or to be examined pursuant to this section the form of declaration in the Fifth Schedule shall be modified so as to set out the facts of the particular case.

(3) When an application for the issue of a certificate under this section is granted by the board, the contract of apprenticeship of the applicant, if not previously terminated, shall thereupon be deemed to be discharged, but without affecting any right, remedy or liability arising from any act or omission prior to the discharge.

(4) Any indentures of apprenticeship which are entered into after the enactment of this section and during the continuance of the war and by which a person is bound to serve as apprentice in the business of a pharmaceutical chemist shall be invalid unless the apprentice named therein has first obtained the permission of the board to enter into the indentures.

The board may refuse to grant such permission if it is of opinion that at the time when the permission is applied for there are in the State sufficient registered pharmaceutical chemists and sufficient apprentices to pharmaceutical chemists to meet the needs of the public.

(5) For the purposes of this section—

(a) "the war" means the war in which the Commonwealth is engaged at the time of the enactment of this section; and

- (b) the war shall be deemed to continue until the Governor-General of the Commonwealth has declared by proclamation that the war has ceased.

4. The following sections are enacted and inserted in the principal Act after section 26 thereof:—

Enactment of
ss. 26a, 26b, and
26c of the
principal Act—

26a. (1) Subject to sections 31 and 31a of this Act no company or association of persons corporate or unincorporate shall—

Restriction on
companies and
associations.

- (a) carry on the business of retailing, compounding or dispensing drugs or medicines on the order or prescriptions of legally qualified medical practitioners; or
- (b) in or about any shop or place of business exhibit any words or sign signifying or which may reasonably be interpreted to signify that its business is that of a pharmaceutical chemist, pharmacist, pharmaceutist, homoeopathic chemist, dispensing chemist, dispensing druggist, or chemist and druggist, or that it is qualified to compound or dispense drugs or medicines on the orders or prescriptions of legally qualified medical practitioners or that its business is or includes such compounding or dispensing:

Provided that this subsection shall not apply to—

- (a) any company which on the first day of August, nineteen hundred and forty-two, was carrying on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners; or
- (b) any friendly society branch of a friendly society or body corporate conducting a pharmacy pursuant to the Friendly Societies Act, 1919-1936; or
- (c) any partnership every member of which is a registered pharmaceutical chemist.

(2) If any company or incorporated association contravenes any provision of this section it shall be guilty of an

offence against this Act and liable for a first offence to a fine of not more than fifty pounds, and for any subsequent offence to a fine of not more than one hundred pounds.

(3) If any unincorporated association contravenes any provision of this section every member, manager, secretary, or officer of the association who knowingly authorizes or permits the contravention shall be guilty of an offence against this Act and liable for a first offence to a fine of not more than twenty pounds and for any subsequent offence to a fine of not more than fifty pounds.

Duty to carry
on pharmacy
under one's
own name.

26b. (1) No person shall carry on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners except under his own name.

(2) No company or association of persons (not being a partnership) formed incorporated or registered under or pursuant to any Act shall carry on the business of retailing compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners except under the name by which the company or association was formed incorporated or registered.

(3) No partnership shall carry on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners except under a firm name consisting of the surnames of the partners.

(4) Notwithstanding anything in this section a person, company, association or partnership may continue to use any business name used by that person, company, association or partnership in connection with his or its business on the first day of August, nineteen hundred and forty-two.

(5) If any person, company or incorporated association contravenes any provision of this section he or it shall be guilty of an offence against this Act and liable to a fine of not more than fifty pounds.

(6) If any partnership or other unincorporated association contravenes any provision of this section every member, manager, secretary or officer of the partnership or association who knowingly authorizes or permits the contravention shall be guilty of an offence against this Act and liable to a fine of not more than twenty pounds.

26c. (1) Subject to sections 31 and 31a of this Act no person or association of persons corporate or unincorporate shall carry on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners, in more than four shops :

Restriction on number of shops.

Provided that this subsection shall not apply to any person or association of persons who or which on the first day of August, nineteen hundred and forty-two, was carrying on such business in more than four shops.

(2) No person or association of persons corporate or unincorporate who or which on the first day of August, nineteen hundred and forty-two, was carrying on in more than four shops the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners shall carry on such business in any greater number of shops than the number in which that person, company or association was carrying on such business on the said day.

(3) Notwithstanding anything in this section a partnership, every member of which is a registered pharmaceutical chemist, may carry on the business of retailing compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners in as many shops as there are partners if each shop is constantly supervised and managed by one of the partners.

(4) This section shall not apply to a friendly society branch of a friendly society or body corporate conducting a pharmacy under the Friendly Societies Act, 1919-1936.

(5) If any company or incorporated association contravenes any provision of this section it shall be guilty of an offence against this Act and liable to a fine of not more than fifty pounds.

(6) If any partnership or other unincorporated association contravenes any provision of this section every member, manager, secretary, or officer of the partnership or association who knowingly authorizes or permits the contravention shall be guilty of an offence against this Act and liable to a fine of not more than twenty pounds.

5. Section 31 of the principal Act is amended by adding at the end thereof the following passage—

Amendment of s. 31 of principal Act—
Death of chemist.

While any such business is not under the management of a registered pharmaceutical chemist, no person who is

not a registered pharmaceutical chemist shall in the course of the business dispense any drug or medicine on the order or prescription of a legally qualified medical practitioner.

Enactment of
a. 31a of the
principal Act—

6. The following section is enacted and inserted in the principal Act after section 31 thereof :—

Provision for
carrying on
business in
certain events.

31a. Notwithstanding any other provision of this Act the following persons, namely—

- (a) any person or company seizing or taking possession of the stock-in-trade of a registered pharmaceutical chemist under a mortgage, bill of sale, or other security ; or
- (b) the liquidator of a company which is in the course of being wound up, and was at the commencement of the winding up carrying on business as a pharmaceutical chemist ; or
- (c) any mortgagee or receiver seizing and taking possession of the stock-in-trade of a company carrying on such business, under a mortgage, bill of sale or other security,

may continue to carry on the business of the pharmaceutical chemist or of the company, as the case may be, for a period not exceeding two years, and for any further period permitted by the board, upon condition that the business is continued under the personal management and control of a registered pharmaceutical chemist.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.