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GOVERNMENT GAZETTE

STAATSKOERANT

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CAPE TOWN, 14TH MAY, 1969.

[No. 2389.

KAAPSTAD, 14 MEI 1969.

DEPARTMENT OF THE PRIME MINISTER.

No. 783.

14th May, 1969.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 44 of 1969: Medical, Dental and Pharmacy Amendment Act, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 783.

14 Mei 1969.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 44 van 1969: Wysigingswet op Geneeshere, Tandartse en Aptekers, 1969.

Act No. 44, 1969

MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.

ACT

To amend the provisions of the Medical, Dental and Pharmacy Act, 1928, relating to the qualifications and registration of chemists and druggists; the restoration of names to a certain register; the prescription book referred to in section 56; certain prescriptions for the sale or supply of potentially harmful drugs; the sale, supply and possession of potentially harmful drugs; the declaration of substances as poisons, habit-forming drugs or potentially harmful drugs; the power of the State President to make regulations in connection with habit-forming drugs and potentially harmful drugs; the charges by registered persons other than chemists and druggists; the containers in which poisonous substances are sold; the definitions; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to 2nd May, 1969.*)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 13 of 1928,
as amended by
section 1 of
Act 29 of 1954.

1. Section 1 of the Medical, Dental and Pharmacy Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the item which specifies the matters dealt with in Chapter VI of the following item:

“Chapter VI.—Regulation of Importation, Sale and Use of Opium and other Habit-forming drugs and of Sale, Supply and Possession of Potentially Harmful Drugs. (Sections *sixty-one to seventy-two.*).”

Substitution of
section 11 of Act 13
of 1928, as amen-
ded by section 1 of
Act 34 of 1962.

2. The following section is hereby substituted for section 11 of the principal Act:

“Revenues 11. Every registration and examination fee and of council any other moneys payable under this Act in respect and board. of a medical practitioner, dentist, nurse, midwife, masseur, or other class of registered person, other than a chemist and druggist or an apprentice to a chemist and druggist or an unqualified assistant or a trainee chemist and druggist or a pharmaceutical technician, shall be paid to the council, and in respect of a chemist and druggist or an apprentice to a chemist and druggist or an unqualified assistant or a trainee chemist and druggist or a pharmaceutical technician, to the board, and shall be devoted to the services of the council or the board.”.

Amendment of
section 22 of
Act 13 of 1928,
as amended by

3. Section 22 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the proviso to subsection (1) of the following paragraph:

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

WET

Tot wysiging van die bepalings van die Wet op Geneeshere, Tandartse en Aptekers, 1928, met betrekking tot die kwalifikasies en registrasie van aptekers; die herstel van name op 'n bepaalde register; die in artikel 56 vermelde reseptheboek; sekere resepte vir die verkoop of lewering van moontlik nadelige medisyne; die verkoop, lewering en besit van moontlik nadelige medisyne; die verklaring van stowwe tot vergifte, gewoontevormende medisyne of moontlik nadelige medisyne; die bevoegdheid van die Staatspresident om regulasies in verband met gewoontevormende medisyne en moontlik nadelige medisyne uit te vaardig; die vorderings deur ander geregistreerde persone as aptekers; die houers waarin giftige stowwe verkoop word; die woordomskrywings; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Mei 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (hieronder die Hoofwet genoem), word hierby gewysig deur die item wat die in Hoofstuk VI behandelde aangeleenthede vermeld deur die volgende item te vervang:

„Hoofstuk VI.—Reëling van invoer, verkoop en gebruik van opium en ander gewoontevormende medisyne en van verkoop, lewering en besit van moontlik nadelige medisyne. (Artikels een-en-sestig tot twee-en-sewentig.)”.

2. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inkomste van die raad en kommissie. 11. Elke registrasie- en eksamenfooi en alle ander gelde ingevolge hierdie Wet verskuldig ten opsigte van 'n geneesheer, tandarts, verpleegster, vroedvrouw, masseur of ander klas geregistreerde persoon, behalwe 'n apteker of 'n aptekersleerling of 'n ongekwalifieerde assistent of 'n kwekeling-apteker of 'n farmaseutiese tegnikus, moet aan die raad, en ten opsigte van 'n apteker of 'n aptekersleerling of 'n ongekwalifieerde assistent of 'n kwekeling-apteker of 'n farmaseutiese tegnikus, aan die kommissie uitbetaal word en moet tot die diens van die raad of van die kommissie bestee word.”.

3. Artikel 22 van die Hoofwet word hierby gewysig—
(a) deur paragraaf (a) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 22 van Wet 13 van 1928, soos gewysig deur

Act No. 44, 1969

**MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.**

section 3 of
Act 2 of 1935,
section 4 of
Act 14 of 1946,
section 3 of Act
13 of 1950,
section 1 of
Act 23 of 1951,
section 6 of
Act 29 of 1954,
section 3 of
Act 69 of 1961
and section 2
of Act 34 of
1962.

- "(a) save as is provided in subsection (2) or in section 23 or 28, no degree, diploma or certificate of a university, medical school or other examining authority outside the Republic shall be prescribed under this section or accepted as a qualification for registration of the holder as a medical practitioner or dentist or chemist and druggist (as the case may be) unless—
(i) such degree, diploma or certificate entitles the holder to practise as a medical practitioner or dentist or chemist and druggist (as the case may be) in the country or state in which such university, school or examining authority is situate; and
(ii) in the case of medical practitioners or dentists, by the laws of that country or state, persons holding degrees or qualifications granted after examinations in the Republic and entitling them to practise as medical practitioners or dentists (as the case may be) therein are admitted without further examination to practise in that country or state; and
(iii) the council or board is satisfied that possession of such degree, diploma or certificate indicates a standard of professional education not lower than that prescribed by the council or the board for medical practitioners, dentists or chemists and druggists (as the case may be) within the Republic;" ; and
(b) by the deletion of subsection (4).

Insertion of
section 24A in
Act 13 of 1928.

**4. The following section is hereby inserted in the principal
Act after section 24:**

"Holders of 24A. Notwithstanding anything to the contrary qualifications obtained outside Republic, to be registered as chemists and druggists only after having passed a certain test. in this Act contained, no person who has obtained his professional qualifications outside the Republic or the territory shall be registered as a chemist and druggist unless he has passed to the satisfaction of, and before examiners appointed by, the board the prescribed test in respect of such laws of the Republic as relate to pharmaceutical practice and the carrying on of the business of chemist and druggist.".

Amendment of
section 25 of
Act 13 of 1928,
as substituted
by section 8 of
Act 29 of 1954.

5. Section 25 of the principal Act is hereby amended—

- (a) by the insertion of the following paragraph after paragraph (h):**

"(hA) the nature and duration of the practical training to be undergone by persons who have obtained a degree, diploma or certificate in pharmacy prescribed under section 22 but who are not yet registered as chemists and druggists, before they may be so registered;" ;

- (b) by the substitution for paragraph (i) of the following paragraph:**

"(i) the circumstances under which persons referred to in paragraph (h) or (hA) shall be entitled to exemption from practical training with or from apprenticeship to chemists and druggists;" ; and

- (c) by the insertion of the following paragraph after paragraph (j):**

"(jA) the course of study to be taken by a person intending to sit for the test referred to in section 24A;" .

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

- „(a) behoudens die bepalings van subartikel (2) of van artikel 23 of 28, geen graad, diploma of sertifikaat van 'n universiteit, geneeskundige skool of ander eksaminerende outhouerheid buite die Republiek kragtens hierdie artikel voorgeskryf of as 'n vereiste vir die registrasie van die besitter as geneesheer of tandarts of apteker (na gelang van die geval) erken mag word nie tensy—
- (i) daardie graad, diploma of sertifikaat aan die besitter die reg verleen om as geneesheer of tandarts of apteker (na gelang van die geval) in die land of staat waarin daardie universiteit, skool of eksaminerende outhouerheid geleë is, te praktiseer; en
 - (ii) in die geval van geneeshere of tandartse, besitters van grade of bevoegdhede na eksamens in die Republiek verleen, wat hulle die reg gee om daarin as geneesheer of tandartse (na gelang van die geval) te praktiseer, kragtens die wette van daardie land of staat sonder verdere eksamens tot die praktyk in daardie land of staat toegelaat word; en
 - (iii) die raad of kommissie oortuig is dat die besit van so 'n graad, diploma of sertifikaat getuig van 'n standaard van professionele onderwys wat nie benede dié is nie wat deur die raad of die kommissie vir geneeshere, tandartse of aptekers (na gelang van die geval) in die Republiek voorgeskrywe word;”; en

(b) deur subartikel (4) te skrap.

4. Die volgende artikel word hierby in die Hoofwet na artikel 24 ingevoeg:

„Besitters van kwalifikasies buite Republiek verwerf, word as aptekers geregistreer slegs nadat hulle 'n bepaalde toets geslaag het.

24A. Ondanksstrydige bepalings van hierdie Wet mag niemand wat sy professionele kwalifikasies buite die Republiek of die gebied verwerf het as apteker geregistreer word nie tensy hy die voorgeskrewe toets ten opsigte van dié wette van die Republiek wat betrekking het op die artsenkundige praktyk en die dryf van die besigheid van apteker voor eksaminateure benoem deur die kommissie, ten genoeë van die kommissie, geslaag het.”.

Invoeging van artikel 24A in Wet 13 van 1928.

5. Artikel 25 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf na paragraaf (h) in te voeg:

„(hA) die aard en duur van die praktiese opleiding wat deur persone wat 'n kragtens artikel 22 voorgeskrewe graad, diploma of sertifikaat in artsenkunde verkry het, maar wat nog nie as aptekers geregistreer is nie, ondergaan moet word voordat hulle aldus geregistreer kan word;”;

(b) deur paragraaf (i) deur die volgende paragraaf te vervang:

„(i) die omstandighede waaronder die in paragraaf (h) of (hA) bedoelde persone op vrystelling van praktiese opleiding of van leerlingskap by aptekers geregtig is;”; en

(c) deur die volgende paragraaf na paragraaf (j) in te voeg:

„(jA) die studiekursus wat deur persone wat van voorname is om die in artikel 24A bedoelde toets af te lê, gevvolg moet word;”.

Wysiging van artikel 25 van Wet 13 van 1928, soos vervang deur artikel 8 van Wet 29 van 1954.

Act No. 44, 1969

**MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.**

Amendment of section 27 of Act 13 of 1928, as amended by section 1 of Act 5 of 1937 and section 10 of Act 29 of 1954.

6. Section 27 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The board may grant a diploma or certificate, which shall entitle the holder to be registered as a chemist and druggist in the manner prescribed in section 24, to any person who has attained the age of twenty-one years and who satisfies the board that he is a person of good character and that he—

(a) (i) was on the first day of January, 1970, undergoing a prescribed course of study and training at an institution recognized by the board or was at that date serving as an indentured apprentice to a chemist and druggist within the Republic or the territory; and

(ii) has undergone a prescribed course of study and training for a period of not less than three years at an institution recognized by the board and has passed an examination or examinations to the satisfaction of, and before examiners appointed by, the board and has served as an indentured apprentice to a chemist and druggist within the Republic or the territory for a period of not less than two years; or

(b) if trained in a country or state outside the Republic or the territory, has undergone such course of training for a period of not less than five years, including at least one year's practical training with a chemist and druggist as is legally required of persons desirous of qualifying as chemists and druggists in such country or state and has undergone a course of training and study at an institution recognized by the board and has passed an examination or examinations to the satisfaction of, and before examiners appointed by, the board; or

(c) has undergone a prescribed course of study of not less than four years at an institution recognized by the board and has passed an examination or examinations to the satisfaction of, and before examiners appointed by, the board and has thereafter undergone practical training for a continuous period of not less than one year with a chemist and druggist in the Republic or the territory in a pharmacy approved by the board and by virtue of a contract of training lodged with the registrar and approved by the board prior to the commencement of such training:

Provided that the board may grant exemption from examination in any particular subject to the holder of a degree, diploma or certificate of an examining authority recognized by the board which, in the opinion of the board, indicates a standard of training and knowledge in that subject not less than that required by the board.”.

Insertion of section 27A in Act 13 of 1928.

7. The following section is hereby inserted in the principal Act after section 27:

“Certain trainees deemed to be registered chemists and druggists. **27A.** For the purposes of this Act a trainee chemist and druggist shall during the twelfth month of the period of practical training referred to in section 27(1)(c) be deemed to be a registered chemist and druggist.”.

Amendment of section 37 of Act 13 of 1928, as amended by section 2 of Act 5 of 1937,

8. Section 37 of the principal Act is hereby amended by the substitution for the first proviso to subsection (1) of the following proviso:

“Provided that nothing in this section contained shall be construed as prohibiting the employment under the supervision of a chemist and druggist, for the purpose of

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

6. Artikel 27 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Die kommissie kan 'n diploma of sertifikaat verleen, wat die besitter die reg gee om as apteker volgens die voorskrif van artikel 24 geregistreer te word aan elkeen wat die ouderdom van een-en-twintig jaar bereik het en wat die kommissie oortuig dat hy iemand van goeie sedelike gedrag is en dat hy—

- (a) (i) op die eerste dag van Januarie 1970 besig was om 'n voorgeskrewe opleidings- en studiekursus aan 'n inrigting wat deur die kommissie erken word, te volg of op daardie datum besig was om as ingeboekte leerling by 'n apteker in die Republiek of die gebied te dien; en
(ii) vir 'n tydperk van minstens drie jaar 'n voorgeskrewe opleidings- en studiekursus aan 'n inrigting wat deur die kommissie erken word, gevvolg het en by aflegging by een of meer eksamens voor eksaminatore benoem deur die kommissie laasgenoemde tevreden gestel het, en vir 'n tydperk van minstens twee jaar as 'n ingeboekte leerling by 'n apteker in die Republiek of die gebied gedien het;
(b) indien opgelei in 'n land of staat buite die Republiek of die gebied, dié tydperk van opleiding vir 'n tydperk van minstens vyf jaar ondergaan het, met inbegrip van minstens een jaar praktiese opleiding by 'n apteker, wat regtens vereis word van persone wat wens om hulle in daardie land of staat as aptekers te bekwaam, en 'n opleidings- en studiekursus aan 'n inrigting wat deur die kommissie erken word, gevvolg het en by aflegging van een of meer eksamens voor eksaminatore benoem deur die kommissie laasgenoemde tevreden gestel het; of
(c) 'n voorgeskrewe studiekursus van minstens vier jaar aan 'n inrigting wat deur die kommissie erken word, gevvolg het en by aflegging van 'n eksamen of eksamens voor eksaminatore benoem deur die kommissie laasgenoemde tevreden gestel het, en daarna praktiese opleiding vir 'n aaneenlopende tydperk van minstens een jaar by 'n apteker in die Republiek of die gebied ondergaan het in 'n deur die kommissie goedgekeurde apteek en uit hoofde van 'n opleidingskontrak wat by die registrateur ingedien is en deur die kommissie goedgekeur is voor die aanvang van sodanige opleiding:

Met dien verstande dat die kommissie in 'n bepaalde onderwerp vrystelling van eksamen kan verleen aan die besitter van 'n graad, diploma of sertifikaat van 'n deur die kommissie erkende eksaminerende outoriteit wat, na die oordeel van die kommissie, getuig van 'n standaard van opleiding en kennis in daardie onderwerp wat nie benede dié is wat deur die kommissie vereis word nie.”.

7. Die volgende artikel word hierby in die Hoofwet na artikel 27 ingevoeg:

Invoeging van artikel 27A in Wet 13 van 1928.

„Sekere kwekelinge- aptekers word geag geregistreerde aptekers te wees.”.

27A. By die toepassing van hierdie Wet, word 'n kwekeling-apteker gedurende die twaalfde maand van die in artikel 27 (1) (c) bedoelde tydperk van praktiese opleiding, geag 'n geregistreerde apteker te wees.”.

8. Artikel 37 van die Hoofwet word hierby gewysig deur die eerste voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

Wysiging van artikel 37 van Wet 13 van 1928, soos gewysig deur artikel 2

„Met dien verstande dat die bepalings van hierdie artikel nie geag word die indiensneming onder toesig van 'n apteker van Wet 5 van

Act No. 44, 1969

MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.

section 12 of
Act 29 of 1954
and section 4
of Act 34 of 1962.

compounding and dispensing drugs and medicines, of any apprentice or trainee chemist and druggist in the pharmacy in which he is serving his apprenticeship or is undergoing practical training, as the case may be, or of any unqualified assistant.”.

Amendment of
section 42 of
Act 13 of 1928,
as amended by
section 6 of Act
2 of 1935.

9. (1) Section 42 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection: “(6) The council or board may if it thinks fit terminate any suspension under subsection (1) before the expiry of the specified period, or restore to the register any name which has been erased therefrom on payment of the prescribed fee.”.

(2) Subsection (1) shall be deemed to have come into operation on the sixth day of December, 1963.

Amendment of
section 48 of
Act 13 of 1928,
as amended by
section 13 of
Act 29 of 1954.

10. Section 48 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

“(2) The Drugs Control Council, established by section 2 of the Drugs Control Act, 1965 (Act No. 101 of 1965), may from time to time by resolution declare that any substance named or described in such resolution should be deemed a poison within the meaning of either division I or division II of the Fourth Schedule, or that any substance so named or described should be transferred from one division of the said Schedule to the other, or that the said Schedule should be otherwise amended.

(3) Every such resolution shall be transmitted to the Minister, and if such resolution is approved by him the State President may thereupon, by proclamation in the *Gazette*, amend the Fourth Schedule accordingly.”.

Substitution of
section 50 of
Act 13 of 1928,
as amended by
section 3 of
Act 5 of 1937
and section
5 of Act 34 of
1962.

11. The following section is hereby substituted for section 50 of the principal Act:

“Who may sell poisons. 50. Save as is otherwise provided by this Act, poisons as defined by this Act shall not be kept or exposed for sale, or kept in a place where goods are ordinarily sold, or sold, bartered, exchanged or otherwise supplied by any person other than a chemist and druggist or an unqualified assistant, indentured apprentice or trainee chemist and druggist acting under the personal supervision of a chemist and druggist, but nothing in this Act contained shall be construed as prohibiting or restricting any medical practitioner, dentist or authorized veterinarian from supplying any poison in the course of the lawful exercise of his calling to or for any patient or animal under his care or treatment.”.

Amendment of
section 55 of
Act 13 of 1928,
as amended by
section 14 of
Act 29 of 1954 and
section 6 of
Act 34 of 1962.

12. Section 55 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“Every chemist and druggist, or any indentured apprentice or unqualified assistant or trainee chemist and druggist acting under the personal supervision of a chemist and druggist, or a magistrate may sell or supply poisons or preparations containing poison under the following conditions but not otherwise—”.

Amendment of
section 60 of Act
13 of 1928.

13. Section 60 of the principal Act is hereby amended by the insertion of the following paragraph after paragraph (c):

“(cA) providing for the inspection of the prescription book referred to in section 56;”.

Substitution of
superscription to
Chapter VI of
Act 13 of 1928,
as amended by
section 16 of
Act 29 of 1954.

14. The following superscription is hereby substituted for the superscription to Chapter VI of the principal Act:

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

vir die doel om artsene en medisyne te berei en te resep- 1937, artikel 12
teer, van 'n leerling of 'n kwekeling-apteker in die apieek van Wet 29 van
waar hy sy leerlingskap deurmaak of praktiese opleiding 1954 en artikel
ondergaan, na gelang van die geval, of van 'n ongekwalifi- 4 van Wet 34
fiseerde assistent te belet nie:".

van 1962.

9. (1) Artikel 42 van die Hoofwet word hierby gewysig deur Wysiging van
subartikel (6) deur die volgende subartikel te vervang:
artikel 42 van
Wet 13 van 1928,
soos gewysig deur

„(6) Die raad of kommissie kan na goeddunke 'n skorsing ingevolge subartikel (1) voor verstryking van die vasgestelde tydperk beeindig of enige naam wat uit die register geskrap is, teen betaling van die voorgeskrewe fooi.”.

artikel 6 van
Wet 2 van 1935.

(2) Subartikel (1) word geag op die sesde dag van Desember 1963 in werking te getree het.

10. Artikel 48 van die Hoofwet word hierby gewysig deur Wysiging van
subartikels (2) en (3) deur die volgende subartikels te vervang:
artikel 48 van
Wet 13 van 1928,
soos gewysig deur

„(2) Die Medisyne-beheerraad, ingestel by artikel 2 van die Wet op die Beheer van Medisyne, 1965 (Wet No. 101 van 1965), kan van tyd tot tyd by besluit verklaar dat enige stof, in daardie besluit genoem of beskrywe, as 'n vergif behoort beskou te word volgens die betekenis hetsy van afdeling I of van afdeling II van die Vierde Bylae of dat 'n aldus genoemde of beskreve stof van die een afdeling van bedoelde Bylae na die ander oorgeplaas behoort te word of dat bedoelde Bylae andersins gewysig behoort te word.

artikel 13 van
Wet 29 van 1954.

(3) Elke sodanige besluit moet aan die Minister gestuur word, en as sodanige besluit deur hom goedgekeur word, kan die Staatspresident daarop by proklamasie in die Staatskoerant die Vierde Bylae dienooreenkomsdig wysig.”.

11. Artikel 50 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 50 van
Wet 13 van 1928,
soos gewysig deur
artikel 3 van
Wet 5 van 1937
en artikel
5 van Wet 34
van 1962.

„Wie vergifte mag verkoop. 50. Behalwe vir sover hierdie Wet anders bepaal, mag vergifte soos in hierdie Wet omskryf, nie te koop aangehou of uitgestal of op 'n plek waar goed gewoonlik verkoop word, aangehou word nie of verkoop, verruil of andersins gelewer word nie deur iemand anders as 'n apteker of 'n ongekwalifieerde assistent, ingeboekte leerling of kwekeling-apteker handelende onder die persoonlike toesig van 'n apteker, maar hierdie Wet belet of verhinder nie 'n geneesheer, tandarts of bevoegde veearts om by die wettige uitoefting van sy beroep vergif te verstrek aan of vir 'n onder sy sorg of behandeling staande pasiënt of dier nie.”.

12. Artikel 55 van die Hoofwet word hierby gewysig deur die woorde wat aan paragraaf (a) voorafgaan deur die volgende woorde te vervang:

Wysiging van
artikel 55 van
Wet 13 van 1928,
soos gewysig deur
artikel 14 van
Wet 29 van 1954 en
artikel 6 van
Wet 34 van 1962.

„Elke apteker, of 'n ingeboekte leerling of ongekwalifieerde assistent of kwekeling-apteker wat onder die persoonlike toesig van 'n apteker handel, of 'n magistraat kan vergifte of gifhoudende preparate onder die volgende voorwaardes verkoop of lewer, maar nie anders nie—”.

13. Artikel 60 van die Hoofwet word hierby gewysig deur na paragraaf (c) die volgende paragraaf in te voeg:

Wysiging van
artikel 60 van
Wet 13 van 1928.

„(cA) waarin voorsiening gemaak word vir die besigtiging van die in artikel 56 bedoelde reseptieboek;”.

14. Die opskrif by Hoofstuk VI van die Hoofwet word hierby deur die volgende opskrif vervang:

Vervanging van
opskrif by
Hoofstuk VI van
Wet 13 van 1928,
soos gewysig by
artikel 16 van
Wet 29 van 1954.

Act No. 44, 1969

MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.

Amendment of
section 61bis of
Act 13 of 1928, as
inserted by
section 18 of Act
29 of 1954.

Amendment of
section 65bis of
Act 13 of 1928 as
inserted by
section 20 of
Act 29 of 1954
and amended by
section 5 of Act
11 of 1957 and
section 7 of Act
34 of 1962.

Insertion of
section 65ter in
Act 13 of 1928.

Substitution of
section 67 of Act
13 of 1928, as
amended by
section 21 of Act
29 of 1954.

Substitution of
section 70 of Act
13 of 1928, as
amended by
section 22 of Act
29 of 1954.

"CHAPTER VI.
REGULATION OF IMPORTATION, SALE AND USE OF OPIUM
AND OTHER HABIT-FORMING DRUGS AND SALE, SUPPLY
AND POSSESSION OF POTENTIALLY HARMFUL DRUGS."

15. Section 61bis of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The State President may upon a recommendation submitted to him by the Minister in pursuance of a resolution passed by the Drugs Control Council established by section 2 of the Drugs Control Act, 1965 (Act No. 101 of 1965), by proclamation in the *Gazette* amend the said Schedule by the inclusion therein or the deletion therefrom of any substance, or in any other manner, as may be specified in such resolution.".

16. Section 65bis of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection—

"(3) Any person by whom a prescription referred to in subsection (1) is dispensed for the last time in accordance with the provisions of subsection (1)bis, shall retain such prescription for a period of not less than three years as from the date on which it is so dispensed for the last time and shall produce it during that period upon demand for inspection by the registrar of the board or by any member of the police force of or above the rank of sergeant or by any person authorized thereto in writing by the Minister or by the registrar.";

(b) by the addition at the end of paragraph (d) of subsection (4) of the word "or"; and

(c) by the addition of the following paragraph to the said subsection:

"(e) to any person or organization performing a health service who or which has been authorized in writing by the said Secretary to acquire such drug for the performance of such service.".

17. The following section is hereby inserted in the principal Act after section 65bis:

"**Possession 65ter.** No person shall possess potentially harmful drugs unless he has acquired such drugs in pursuance of a sale or supply which is permitted by the provisions of this Act.".

18. The following section is hereby substituted for section 67 of the principal Act:

"**State President** may add to or amend the Fifth Schedule. 67. The State President may from time to time, after the Minister has consulted with, or on the recommendation of the Drugs Control Council, established by section 2 of the Drugs Control Act, 1965 (Act No. 101 of 1965), declare by proclamation in the *Gazette* any substance to be a habit-forming drug, and by such proclamation may add that drug to, or may withdraw any drug from, or may otherwise amend the said Fifth Schedule.".

19. The following section is hereby substituted for section 70 of the principal Act:

"**Penalties.** 70. Any person who contravenes any provision of section 62, 65, 65bis, 65ter, 66 or 69 or the conditions of any certificate or licence issued under the provisions of section 63 or 64 or any regulation made under this Chapter, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

„HOOFSTUK VI.

REËLING VAN INVOER, VERKOOP EN GEBRUIK VAN OPIUM
EN ANDER GEWOONTEVORMENDE MEDISYNE EN VAN
VERKOOP, LEWERING EN BESIT VAN MOONTLIK NADELIGE
MEDISYNE.”.

15. Artikel 61bis van die Hoofwet word hierby gewysig deur Wysiging van
subartikel (2) deur die volgende subartikel te vervang: artikel 61bis van
„(2) Die Staatspresident kan, op 'n aanbeveling deur die Wet 13 van
Minister aan hom voorgelê na aanleiding van 'n besluit 1928, soos inge-
van die Medisyne-beheerraad, ingestel by artikel 2 van die voeg deur artikel
Wet op die Beheer van Medisyne, 1965 (Wet No. 101 van 18 van Wet 29
1965), gemelde Bylae by proklamasie in die *Staatskoerant* van 1954.
wysig deur 'n stof daarby in te sluit of daaruit te skrap, of
op enige ander wyse, soos in die besluit aangegee.”.

16. Artikel 65bis van die Hoofwet word hierby gewysig— Wysiging van
(a) deur subartikel (3) deur die volgende subartikel te artikel 65bis
vervang— van Wet 13
„(3) Iemand deur wie 'n in subartikel (1) bedoelde van 1928 soos
resep vir die laaste maal ingevolge die bepalings van ingevoeg deur
subartikel (1)bis opgemaak word, moet daardie resep artikel 20 van
bewaar vir 'n tydperk van minstens drie jaar vanaf die Wet 29 van 1954 en
datum waarop dit aldus vir die laaste maal opgemaak gewysig deur
word en moet dit gedurende daardie tydperk op aan artikel 5 van
vraag vir insae voorlê aan die registrator van die Wet 11 van 1957 en
kommissie of aan enige lid van die polisiemag wat die artikel 7 van
rang van sersant of 'n hoër rang beklee of aan enigeen Wet 34 van 1962.
deur die Minister of die registrator skriftelik daartoe
gemagtig.”;
(b) deur aan die end van paragraaf (d) van subartikel (4)
die woord „of” by te voeg; en
(c) deur die volgende paragraaf by genoemde subartikel by
te voeg:
„(e) aan 'n persoon of organisasie wat 'n gesondheids-
diens verrig wat skriftelik deur gemelde Sekretaris
gemagtig is om sodanige medisyne vir die ver-
rigting van dié diens te verkry.”.

17. Die volgende artikel word hierby na artikel 65bis in die Invoeging van
Hoofwet ingevoeg: artikel 65ter
„Verbod op 65ter. Niemand mag moontlik nadelige medisyne in Wet 13
die besit van moont- besit nie tensy hy sodanige medisyne verkry het uit van 1928.
lik nadelige hoofde van 'n verkoping of lewering wat deur die
medisyne. bepalings van hierdie Wet veroorloof word.”.

18. Artikel 67 van die Hoofwet word hierby deur die volgende Vervanging van
artikel vervang: artikel 67 van
„Staats- 67. Die Staatspresident kan van tyd tot tyd, Wet 13 van
president nadat die Minister met die Medisyne-beheerraad 1928, soos gewysig
kan Vyfde ingestel by artikel 2 van die Wet op die Beheer van by artikel 21
Bylae Medisyne, 1965 (Wet No. 101 van 1965), beraad- van Wet 29
aanvul of slaag het of op aanbeveling van dié raad by pro- van 1954.
wysig. klamasie in die *Staatskoerant* enige stof tot gewoonte-
vormende medisyne verklaar en by sodanige pro-
klamasie daardie medisyne aan die Vyfde Bylae
toevoeg, of mag enige medisyne daaraan onttrek of
dit andersins wysig.”.

19. Artikel 70 van die Hoofwet word hierby deur die volgende Vervanging van
artikel vervang: artikel 70 van
„Straf- 70. Iemand wat 'n bepaling van artikel 62, 65, Wet 13 van
bepalings. 65bis, 65ter, 66 of 69 of die voorwaardes van 'n 1928, soos
sertifikaat of licensie uitgereik ingevolge die be- gewysig deur
paling van artikel 63 of 64 of 'n regulasie uitge- artikel 22 van
vaardig ingevolge hierdie Hoofstuk oortree, is aan 'n Wet 29 van 1954.
misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd rand of met

Act No. 44, 1969

MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.

period not exceeding six months without the option of a fine or to both such fine and such imprisonment, and any drug or plant referred to in any of those sections shall, if there is reasonable ground for suspecting that it has been unlawfully imported, acquired, produced, extracted, derived, or manufactured, be seized, and if any person is convicted of a contravention of any provision of any of those sections or of the conditions of any such certificate or licence aforesaid, the plant or drug or pipe, receivable or appliance in respect of which the contravention has taken place shall be forfeited and shall be disposed of in accordance with the regulations.”.

Amendment of
section 71 of Act
13 of 1928, as
substituted by
section 23 of Act
29 of 1954 and
amended by
section 6 of Act
11 of 1957.

20. Section 71 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) Any person authorized thereto in writing by the Minister or the Secretary for Customs and Excise and any policeman may at any time search any person suspected on reasonable grounds of being in unlawful possession of a potentially harmful drug or of a habit-forming drug or plant or portion thereof from which any habit-forming drug can be derived or enter and search any premises, place, receptacle or vehicle wherein it is suspected upon reasonable grounds that any such drug or plant or portion thereof is being kept, used, cultivated or conveyed in contravention of this Act.

(2) Any potentially harmful drug or habit-forming drug or any plant or portion thereof from which any habit-forming drug can be derived, and any pipe, receptacle or appliance for smoking or using the same, which is found in consequence of any search under subsection (1), shall be seized by the person making the search, together with any book, account or document relating thereto.”.

Amendment of
section 72 of Act
13 of 1928, as
amended by
section 7 of Act
11 of 1957 and
section 7 of Act
69 of 1961.

21. Section 72 of the principal Act is hereby amended—

(a) by the substitution for paragraph (f) of the following paragraph:

“(f) authorizing and regulating the purchase, acquisition, keeping or use of potentially harmful drugs or habit-forming drugs by persons registered as midwives under the Nursing Act, 1957 (Act No. 69 of 1957);”;

(b) by the substitution for paragraph (h) of the following paragraph:

“(h) as to the summary seizure and disposal of any potentially harmful drug or any habit-forming drug or of pipes, receptacles or appliances for smoking or using the same found in the possession or custody of any person not entitled under this Chapter to keep or use the same;”; and

(c) by the substitution for paragraph (k) of the following paragraph:

“(k) providing for the inspection of registers, records, or stocks of potentially harmful drugs or habit-forming drugs or other inspections in connection with this Chapter.”.

Substitution of
section 80bis of
Act 13 of 1928, as
inserted by
section 27 of Act
29 of 1954.

22. The following section is hereby substituted for section 80bis of the principal Act:

“Charges by registered persons other than chemists and druggists. 80bis. (1) Every person registered under this Act (in this section referred to as the practitioner) except a chemist and druggist shall, unless the circumstances render it impossible for him to do so, before rendering any professional services inform the person to whom the services are to be rendered or any person

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

gevangenisstraf vir 'n tydperk van hoogstens ses maande sonder keuse van 'n boete of met beide sodanige boete en sodanige gevangenisstraf, en enige medisyne of plant vermeld in een van daardie artikels, moet, as daar gegronde verdenking bestaan dat dit onwettig ingevoer, verwerf, voortgebring, afgetrek, verkry of vervaardig is, in beslag geneem word, en as iemand veroordeel is weens 'n oortreding van 'n bepaling van een van daardie artikels of van die voorwaardes van so 'n voormalde sertifikaat of licensie, moet die plant of medisyne of pyp, bak of toestel in verband waarmee die oortreding plaas gevind het, verbeurd verklaar en ooreenkomsdig die regulasies van die hand gesit word.”.

20. Artikel 71 van die Hoofwet word hierby gewysig deur Wysiging van subartikels (1) en (2) deur die volgende subartikels te vervang: artikel 71 van Wet 13 van 1928,

„(1) 'n Deur die Minister of die Sekretaris van Doeane en Aksjns skriftelik daartoe gemagtigde persoon en 'n polisiebeampte kan te eniger tyd enigiemand van wie op redelike gronde vermoed word dat hy moontlik nadelige medisyne of gewoontevormende medisyne of 'n plant of deel daarvan waaruit gewoontevormende medisyne verkry kan word, wederregtelik in sy besit het, deursoek, of 'n perseel, plek, houer of voertuig waarin na op redelike gronde vermoed word sodanige medisyne of so 'n plant of deel daarvan in stryd met hierdie Wet gehou, gebruik, verbou of vervoer word, binnegaan en deursoek.

(2) Daar moet op moontlik nadelige medisyne of gewoontevormende medisyne of 'n plant of deel daarvan waaruit gewoontevormende medisyne verkry kan word, en op 'n pyp, houer of toestel om dit te rook of te gebruik, wat as gevolg van 'n deursoeking kragtens subartikel (1) gevind word, tesame met enige boek, rekening of geskrif wat daarop betrekking het, beslag gelê word deur die persoon wat die deursoeking uitvoer.”.

21. Artikel 72 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (f)quat deur die volgende paragraaf te vervang:

„(f)quat tot magtiging en reëling van die koop, verkry ging, aanhou of gebruik van moontlik nadelige medisyne of gewoontevormende medisyne deur persone wat kragtens die Wet op Verpleging, 1957 (Wet No. 69 van 1957) as vroedvroue geregistreer is;”;

(b) deur paragraaf (h) deur die volgende paragraaf te vervang:

„(h) aangaande die summiere beslaglegging op en beskikking oor moontlik nadelige medisyne of gewoontevormende medisyne of pipe, bakke of toestelle om dit te rook of te gebruik, wat in die besit of bewaring gevind word van iemand wat nie ingevalle hierdie Hoofstuk geregtig is om dit aan te hou of te gebruik nie;”; en

(c) deur paragraaf (k) deur die volgende paragraaf te vervang:

„(k) waarin voorsiening gemaak word vir besigtiging van registers, aantekenings of voorrade van moontlik nadelige medisyne of gewoontevormende medisyne of vir besigtigings in verband met hierdie Hoofstuk;”.

22. Artikel 80bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Vorderings 80bis. (1) Tensy die omstandighede dit vir hom deur ander onmoontlik maak, moet elke ingevalle hierdie Wet geregi streerde geregistreerde persoon (in hierdie artikel die prakti persone as syn genoem), behalwe 'n apteker, voordat hy aptekers. professionele dienste lewer, die persoon aan wie die

Wysiging van artikel 72 van Wet 13 van 1928, soos gewysig deur artikel 7 van Wet 11 van 1957 en artikel 7 van Wet 69 van 1961.

Vervanging van artikel 80bis van Wet 13 van 1928, soos ingevoeg deur artikel 27 van Wet 29 van 1954.

Act No. 44, 1969

MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.

responsible for the maintenance of such person, of the fee which he intends to charge for such services—

- (a) when so requested by the person concerned; or
- (b) when such fee exceeds that usually charged for such services,

and shall in a case to which paragraph (b) relates, also inform the person concerned of the usual fee.

(2) Any practitioner who in respect of any professional services rendered by him claims payment from any person (in this section referred to as the patient) shall provide the patient with a detailed account.

(3) (a) The patient may, within three months after receipt of the account referred to in subsection (2), apply in writing to the council to determine the amount which in the opinion of the council should have been charged in respect of the services to which the account relates, and the council shall, as soon as possible after receipt of the application, determine the said amount and notify the practitioner and the patient in writing of the amount so determined: Provided that before the council determines the said amount, it shall afford the practitioner concerned an opportunity to submit to it in writing his case in support of the amount charged.

(b) A determination made by the council under this section shall be final.

(c) The State President may, after consultation with the council, make such regulations as he deems necessary in relation to the procedure which the council shall follow in disposing of an application under this subsection.

(4) A claim which is the subject of an application referred to in subsection (3) of which notice has been given by the council or the patient to the practitioner, shall not be recoverable until a determination has been made in terms of that subsection and when such a determination has been made, no amount which exceeds the amount so determined, shall be payable.

(5) This section shall not be deemed to divest the council of any of its powers or functions under Chapter IV with regard to acts or omissions of which it may take cognizance.

(6) For the purposes of this section 'professional services' shall include the supply of any artificial part for the human body and the fitting of such part to the human body.”.

Amendment of
section 82 of Act
13 of 1928, as
amended by
section 29 of Act
29 of 1954 and
section 8 of Act
34 of 1962.

23. Section 82 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No person shall sell any of the substances or preparations to which this section applies except in containers which are securely closed, free from leaks, of sufficient strength to withstand rough usage, and distinctly labelled with the name of the substance in the English and Afrikaans languages, and the words 'Poisonous—Dangerous' and 'Giftig—Gevaarlik' in type more conspicuous than that of the remainder of the label and bearing the name and address of the seller and (where the substance is a liquid other than methylated spirit and the quantity less than thirty fluid ounces) in a bottle, vessel or other container which is rendered distinguishable by touch from ordinary bottles, vessels or other containers.”.

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

dienste gelewer gaan word of iemand wat vir die onderhoud van daardie persoon verantwoordelik is, verwittig van die gelde wat hy voornemens is om vir daardie dienste te vorder—

(a) wanneer daartoe deur die betrokke persoon versoek; of

(b) wanneer daardie gelde meer is as die gelde wat gewoonlik vir daardie dienste gevorder word, en moet in 'n geval waar paragraaf (b) geld, die betrokke persoon ook van die gewone gelde verwittig.

(2) 'n Praktisyne wat ten opsigte van professionele dienste deur hom gelewer, betaling van iemand (in hierdie artikel die pasiënt genoem) vorder, moet aan die pasiënt 'n gespesifiseerde rekening verstrek.

(3) (a) Die pasiënt kan, binne drie maande na ontvangs van die in subartikel (2) bedoelde rekening, skriftelik by die raad aansoek doen om die bedrag te bepaal wat volgens die raad se oordeel gevorder behoort te geword het ten opsigte van die dienste waarop die rekening betrekking het en die raad moet bedoelde bedrag so gou doenlik na ontvangs van die aansoek bepaal en die pasiënt en die praktisyne van die aldus bepaalde bedrag in kennis stel: Met dien verstande dat alvorens die raad die bedrag bepaal, hy die praktisyne 'n geleentheid moet bied om sy saak ter steuning van die gevorderde bedrag skriftelik aan hom voor te lê.
(b) 'n Bepaling deur die raad ingevolge hierdie artikel gedoen, is afdoende.

(c) Die Staatspresident kan, na oorlegpleging met die raad, dié regulasies uitvaardig wat hy nodig ag met betrekking tot die prosedure wat die raad by afhandeling van 'n aansoek ingevolge hierdie subartikel moet volg.

(4) 'n Vordering wat die onderwerp is van 'n in subartikel (3) bedoelde aansoek waarvan deur die raad of die pasiënt aan die praktisyne kennis gegee is, is nie opeisbaar nie totdat 'n bepaling ingevolge daardie subartikel gemaak is, en wanneer so 'n bepaling gemaak is, is geen groter bedrag as die aldus bepaalde bedrag betaalbaar nie.

(5) Hierdie artikel word nie geag die raad van enige van sy bevoegdhede of werksaamhede ingevolge Hoofstuk IV met betrekking tot handelinge of versuime waarvan hy kennis mag neem, te ontheft nie.

(6) By die toepassing van hierdie artikel beteken 'professionele dienste' ook die voorsiening van 'n kunsmatige deel vir die menslike liggaam en die aanbring van so 'n deel aan die menslike liggaam.'.

23. Artikel 82 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Niemand mag van die stowwe of preparate waarop hierdie artikel van toepassing is, verkoop nie behalwe in houers wat dig toe, sonder lekkasie en sterk genoeg is om ruwe behandeling te verdra, en voorsien is van 'n duidelike etiket met die naam van die stof in Engels en Afrikaans en die woorde 'Poisonous—Dangerous' en 'Giftig—Gevaarlik' in drukletters wat meer in die oog val as die origeel deel van die etiket, en waarop voorkom die naam en adres van die verkoper, en (as die stof vloeibaar is, maar nie brandspiritus is nie en minder as dertig vloeibare onse bedra), in 'n bottel, vaatwerk of ander houer wat deur betasting onderskei kan word van gewone bottels, vaatwerk of ander houers.”.

Wysiging van
artikel 82 van
Wet 13 van 1928,
soos gewysig
deur artikel 29
van Wet 29 van
1954 en artikel
8 van Wet 34
van 1962.

Act No. 44, 1969

MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.

Amendment of
section 87 of Act
13 of 1928.

24. The following section is hereby substituted for section 87 of the principal Act:

"Liability of persons authorized to sell poisons, poisonous substances, habit-forming drugs or potentially harmful drugs, for acts of their partners, managers and employees. **87.** Every person authorized under this Act to prepare, keep, sell or supply poisons, poisonous substances, habit-forming drugs or potentially harmful drugs shall be liable civilly and criminally for the act or default of his partner, manager, assistant, clerk, apprentice, trainee chemist and druggist, agent or servant (not being a person himself registered or otherwise authorized to sell, use or supply any poison, habit-forming drug or potentially harmful drug) in respect of any contravention of this Act in connection therewith unless he proves that such act or default was not due to failure on his part properly to instruct and supervise such partner, manager, assistant, clerk, apprentice, trainee chemist and druggist, agent or servant.".

Amendment of
section 94 of Act
13 of 1928, as
amended by
section 7 of Act
5 of 1937,
section 35 of Act
30 of 1945,
section 7 of Act
14 of 1946,
section 12 of Act
13 of 1950,
section 32 of Act
29 of 1954,
section 10 of Act
11 of 1957 and
section 9 of Act
34 of 1962.

25. Section 94 of the principal Act is hereby amended—

(a) by the substitution for paragraph (i) of subsection (2) of the following paragraph:

"(i) the form and method of and the fee for registration of contracts of apprenticeship or training with chemists and druggists, the transfer of such contracts from one chemist and druggist to another, the classes of chemists and druggists who may be registered as masters in contracts of apprenticeship or with whom trainee chemists and druggists may undergo their practical training, the standard of general education required of candidates, the course of training and study prior or subsequent to examination, the institutions at which such course may be taken and the subjects and standard of examinations which will enable a person to obtain registration as chemist and druggist on compliance with any other requirement of this Act, the fees payable by candidates, the appointment and remuneration of examiners, and any other matter incidental to such examinations;" and

(b) by the substitution for paragraph (q) of the said subsection of the following paragraph:

"(q) the number of unregistered assistants or apprentices or trainee chemists and druggists that may be employed in any pharmacy proportionately to the number of chemists and druggists so employed;".

26. Section 96 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the definition of "scheduled law" of the following definition:
"‘scheduled law’ means one of the laws specified in the Seventh Schedule to this Act;";

(b) by the insertion in the said subsection after the definition of "signed" of the following definition:
"‘territory’ means the territory of South-West Africa;"

(c) by the insertion in the said subsection after the definition of "this Act" of the following definition:
"‘trainee chemist and druggist’ means a person who is undergoing practical training as contemplated in section 27 (1) (c) and who has been registered as such under this Act;" and

(d) by the substitution in the said subsection for the definition of "unqualified assistant" of the following definition:

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

24. Artikel 87 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanspreklikheid van persone wat geregtig is om vergifte, giftige stowwe, gewoontevormende medisyne of moontlik nadelige medisyne te verkoop, vir handelinge van hulle vennote, bestuurders en werk-nemers.

87. Elkeen wat kragtens hierdie Wet bevoeg is om vergif, giftige stowwe, gewoontevormende medisyne of moontlik nadelige medisyne te verkoop, af te lewer, is sivelregtelik en strafregtelik aanspreeklik vir die handeling of versuim van sy vennoot, bestuurder, assistent, klerk, leerling, kwekeling-apteker, verteenwoordiger of bediende (wat nie self geregistreer is of andersins bevoeg is nie om vergif, gewoontevormende of moontlik nadelige medisyne te verkoop, te gebruik of af te lewer) ten opsigte van 'n oortreding van 'n bepaling van hierdie Wet in verband daarmee, tensy hy bewys dat daardie handeling of versuim nie te wyte was nie aan sy versuim om daardie vennoot, bestuurder, assistent, klerk, leerling, kwekeling-apteker, verteenwoordiger of bediende behoorlik te onderrig en onder toesig te hou.”.

Wysiging van artikel 87 van Wet 13 van 1928.

25. Artikel 94 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (i) van subartikel (2) deur die volgende paragraaf te vervang:

„(i) die vorm en die manier van registrasie van leerling of opleidingskonakte met aptekers en die foo daarvoor, die oordrag van sodanige konakte van een apteker aan 'n ander, die kategorieë van aptekers wat as meesters in leerlingkonakte geregistreer mag word of by wie kwekeling-aptekers hulle parktiese opleiding mag ondergaan, die standaard van algemene opvoeding wat van kandidate vereis word, die opleidings- en leerkursus wat 'n eksamen moet voorafgaan of daarop moet volg, die inrigtings waaraan daardie kursus gevolg mag word en die vakke en standaard van die eksamens wat iemand in staat stel om as apteker geregistreer te word wanneer hy voldoen aan enige ander vereiste van hierdie Wet, die foo wat deur kandidate betaalbaar is, die benoeming en besoldiging van eksaminatore en enige saak wat op daardie eksamens betrekking het;”;

(b) deur paragraaf (q) van daardie subartikel deur die volgende paragraaf te vervang:

„(q) die getal ongeregistreerde assistente of leerlinge of kwekeling-aptekers wat in 'n apteek in diens geneem mag word in verhouding tot die getal aptekers wat aldus in diens is;”.

Wysiging van artikel 94 van Wet 13 van 1928, soos gewysig deur artikel 7 van Wet 5 van 1937, artikel 35 van Wet 30 van 1945, artikel 7 van Wet 14 van 1946, artikel 12 van Wet 13 van 1950, artikel 32 van Wet 29 van 1954, artikel 10 van Wet 11 van 1957 en artikel 9 van Wet 34 van 1962.

26. Artikel 96 van die Hoofwet word hierby gewysig—

(a) deur die omskrywing van „herroepe wet” in subartikel (2) deur die volgende omskrywing te vervang:

„,herroepe Wet”, een van die wette vermeld in die Sewende Bylae by hierdie Wet;”;

(b) deur na die omskrywing van „geteken” in gemelde subartikel die volgende omskrywing in te voeg:

„,gebied”, die gebied Suidwes-Afrika;”;

(c) deur na die omskrywing van „hierdie Wet” in gemelde subartikel die volgende omskrywing in te voeg:

„,kwekeling-apteker”, iemand wat praktiese opleiding ondergaan soos beoog word in artikel 27 (1) (c) en wat as sodanig kragtens hierdie Wet geregistreer is;”;

(d) deur die omskrywing van „ongekwalificeerde assistent” in gemelde subartikel deur die volgende omskrywing te vervang:

Wysiging van artikel 96 van Wet 13 van 1928, soos gewysig deur artikel 35 van Wet 30 van 1945, artikel 9 van Wet 14 van 1946, artikel 13 van Wet 13 van 1950, artikel 12 van Wet 11 van 1957 en artikel 10 van Wet 34 van 1962.

Act No. 44, 1969

MEDICAL, DENTAL AND PHARMACY
AMENDMENT ACT, 1969.

"‘unqualified assistant’ for the purposes of sections 11’ 32, 37, 50 and 55 means a person who has completed a period of apprenticeship with a chemist and druggist referred to in section 27 and who has been registered as such under this Act.”.

Substitution of
section 99 of Act
13 of 1928, as
amended by
section 7 of Act
2 of 1935 and
section 14 of Act
13 of 1950.

27. The following section is hereby substituted for section 99 of the principal Act:

“Extension of Act to territory.

99. (1) The State President may, by proclamation in the *Gazette*, extend this Act, with such modifications of an administrative nature as he may deem necessary, to the territory and thereafter and subject to any modifications as aforesaid, the territory shall, for all purposes of this Act, except for the purposes of paragraph (b) of the proviso to section 2 (4) be deemed to be a province of the Republic.

(2) Every person who on the date of the issue of the proclamation under subsection (1) was licensed and entitled to practise as a medical practitioner or as a dentist or as a chemist and druggist under Administrator’s Proclamation No. 3 of 1920, or No. 25 of 1922, or No. 40 of 1923, shall, subject to the provisions of section 15 (2), be deemed to be registered under this Act for the territory and the Republic as a medical practitioner, dentist or chemist and druggist, as the case may be, and shall thereby be entitled subject to the provisions of this Act and of any other law to practise or carry on in the territory and the Republic the profession or calling in respect of which he is so registered. The date of first registration of every such person shall be the date when such person was registered under the aforesaid Proclamation.

(3) Upon the issue of a proclamation under subsection (1), the Minister shall appoint a medical practitioner whom he considers representative of registered persons in the territory to be a member of the council, in addition to those mentioned in section 23 (2), and thereafter the provisions of that subsection, and all other provisions of this Act which apply to members of the council nominated by the Minister, shall apply to such member.”.

Substitution of
long title of
Act 13 of 1928.

28. The following long title is hereby substituted for the long title of the principal Act:

“To consolidate and amend the laws in force in the Republic relating to medical practitioners, dentists, chemists and druggists, nurses, midwives, masseurs and other classes of persons; the keeping and sale of poisons; the importation, sale and use of habit-forming drugs; the sale, supply and possession of potentially harmful drugs; to provide for the extension of this Act to the territory of South-West Africa and for matters incidental thereto.”.

Short title.

29. This Act shall be called the Medical, Dental and Pharmacy Amendment Act, 1969.

WYSIGINGSWET OP GENEESHERE,
TANDARTSE EN APTEKERS, 1969.

Wet No. 44, 1969

„,ongekwalifiseerde assistent”, by die toepassing van artikel 11, 32, 37, 50 en 55, iemand wat ‘n in artikel 27 bedoelde leerlingstydperk by ‘n apteker voltooí het, en wat as sodanig kragtens hierdie Wet geregistreer is;”.

27. Artikel 99 van die Hoofwet word hierby deur die volgende artikel vervang:

„Toepassing 99. (1) Die Staatspresident kan by proklamasie van Wet in die *Staatskoerant* hierdie Wet, met sodanige op Suid-wes-Afrika. wysigings van ‘n administratiewe aard as wat hy nodig ag, op die gebied van toepassing verklaar en daarna word die gebied, met inagneming van voor-melde wysigings, vir alle doeleindeste van hierdie Wet behalwe vir die doeleindeste van paragraaf (b) van die voorbehoudsbepaling van artikel 2 (4) beskou as ‘n provinsie van die Republiek.

(2) Elkeen wat op die dag van verskyning van die proklamasie ingevolge subartikel (1) kragtens Administrateurs-Proklamasie No. 3 van 1920 of No. 25 van 1922 of No. 40 van 1923 as geneesheer of as tandarts of as apteker gelisensieer en geregtig was om as sodanig te praktiseer, word, met inagneming van die bepalings van artikel 15 (2) geag ingevolge hierdie Wet vir die gebied en die Republiek geregistreer te wees na gelang van omstandighede as ‘n geneesheer, tandarts of apteker en is daardeur, met inagneming van die bepalings van hierdie Wet of van enige ander wet geregtig om in die gebied en in die Republiek die professie of beroep, ten opsigte waarvan hy aldus geregistreer is, uit te oefen. Die dag van eerste registrasie van elke sodanige persoon is die dag waarop hy ingevolge voormalde proklamasie geregistreer is.

(3) Met die uitvaardiging van ‘n proklamasie ingevolge subartikel (1) moet die Minister ‘n geneesheer wat hy as ‘n verteenwoordiger van geregistreerde persone in die gebied beskou, as lid van die raad benoem, buiten daardie wat in artikel 2 (3) vermeld word, en daarna is die bepalings van daardie subartikel en alle ander bepalings van hierdie Wet, wat van toepassing is op lede van die raad deur die Minister benoem, op daardie lid van toepassing.”.

28. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

„Tot samevatting en wysiging van die wette wat in die Republiek van krag is met betrekking tot geneeshere, tandartse, aptekers, verpleegsters, vroedvroue, masseurs en ander klasse persone; die aanhou en verkoop van vergifte; die invoer, verkoop en gebruik van gewoontevormende medisyne; die verkoop, lewering en besit van moontlik nadelige medisyne; om voor-siening te maak vir die toepassing van hierdie Wet op die gebied Suidwes-Afrika en vir sake wat daarmee in verband staan.”.

29. Hierdie Wet heet die Wysigingswet op Geneeshere, Tandartse en Aptekers, 1969.

Vervanging van artikel 99 van Wet 13 van 1928, soos gewysig deur artikel 7 van Wet 2 van 1935 en artikel 14 van Wet 13 van 1950.

Vervanging van lang titel van Wet 13 van 1928.

Kort titel.