

EXTRAORDINARY



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 KAAPSTAD, 22 MAART, 1957.

DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

o. 436.] [22nd March, 1957.

It is hereby notified that His Excellency the Governor-general has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 436.] [22 Maart 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

	BLADSY
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No. 11, 1957.]

ACT

To amend the Medical, Dental and Pharmacy Act, 1928.

(English text signed by the Governor-General.)
(Assented to 8th March, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 23 of
Act 13 of 1928,
as amended by
section 4 of
Act 2 of 1935.

1. Section *twenty-three* of the Medical, Dental and Pharmacy Act, 1928 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

“(1) Any South African citizen who—

(a) is a South African citizen by birth or descent; or

(b) was domiciled in the Union when he commenced his professional studies and proceeded therefrom for the purpose of prosecuting those studies,

may, if he has obtained a degree, diploma or certificate not prescribed under section *twenty-two*, but which is prescribed under sub-section (3) of this section, be registered as a medical practitioner or dentist, as the case may be.”; and

(b) by the deletion of sub-section (2).

Amendment of
section 28 of
Act 13 of 1928,
as amended by
section 5 of
Act 2 of 1935.

2. Section *twenty-eight* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Any South African citizen who—

(a) is a South African citizen by birth or descent; or

(b) was domiciled in the Union when he commenced his pharmaceutical studies and proceeded therefrom for the purpose of prosecuting those studies,

may, if he has obtained a degree, diploma or certificate prescribed under sub-section (2), be registered as a chemist and druggist without examination by the board.”.

Amendment of
section 47 of
Act 13 of 1928.

3. Section *forty-seven* of the principal Act is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

“(2) Any rules made under paragraph (1) of sub-section (2) of section *ninety-four* may provide that failure to comply with any requirement thereunder relating to the acceptance by a medical practitioner or dentist of any professional appointment, including the submission to the council of any document relating to such appointment, shall for the purposes of sub-section (1) of this section constitute an act of which the council may take cognisance under this Chapter.”.

Amendment of
section 61 of
Act 13 of 1928,
as substituted by
section 17 of
Act 29 of 1954.

4. Section *sixty-one* of the principal Act is hereby amended—

(a) by the insertion in paragraph (c) of sub-section (1) after the word “receive” of the words “for the purpose of sale or supply”; and

(b) by the substitution for sub-section (2) of the following sub-sections:

“(2) Any person who contravenes any provision of sub-section (1) shall be guilty of an offence, and liable—

(a) in the case of a contravention of any provision of paragraph (a), (b) or (c) of the said sub-section—

(i) on a first conviction to a fine not exceeding five hundred pounds or imprisonment for a period not exceeding five years or to both such fine and such imprisonment; and

(ii) on a second or subsequent conviction to imprisonment for a period of not less than twelve months but not exceeding five years and a fine not exceeding five hundred pounds, or to such imprisonment only; and

No. 11, 1957.]

WET

Tot wysiging van die Wet op Geneeshere, Tandartse en Aptekers, 1928.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Maart 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel *drie-en-twintig* van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) 'n Suid-Afrikaanse burger wat—

 - (a) 'n Suid-Afrikaanse burger deur geboorte of afkoms is; of
 - (b) in die Unie gedomisileer was toe hy met sy professionele studies begin het en daaruit vertrek het om hom op bedoelde studies toe te lê, kan, indien hy 'n graad, diploma of sertifikaat behaal het wat nie kragtens artikel *twee-en-twintig* voorgeskryf is nie, maar wel kragtens sub-artikel (3) van hierdie artikel, as 'n geneesheer of as 'n tandarts, na gelang van die geval, geregistreer word.”; en
 - (b) deur sub-artikel (2) te skrap.
2. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) 'n Suid-Afrikaanse burger wat—

 - (a) 'n Suid-Afrikaanse burger deur geboorte of afkoms is; of
 - (b) in die Unie gedomisileer was toe hy met sy apteker-studies begin het en daaruit vertrek het om hom op bedoelde studies toe te lê, kan, indien hy 'n kragtens sub-artikel (2) voorgeskrewe graad, diploma of sertifikaat behaal het, as 'n apteker geregistreer word sonder dat hy deur die kommissie geëksamineer is.”.
3. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Enige reëls wat kragtens paragraaf (1) van sub-artikel (2) van artikel *vier-en-negentig* uitgevaardig word, kan bepaal dat versuim om te voldoen aan 'n vereiste daarvolgens met betrekking tot die aanname deur 'n geneesheer of tandarts van 'n professionele aanstelling, met inbegrip van die voorlegging aan die raad van enige dokument wat op so 'n aanstelling betrekking het, by die toepassing van sub-artikel (1) van hierdie artikel 'n handeling uitmaak waarvan die raad kragtens hierdie Hoofstuk kennis kan neem.”.
4. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig—
 - (a) deur in paragraaf (c) van sub-artikel (1) na die woorde „lewer of” die woorde „vir verkoop of lewering” in te voeg; en
 - (b) deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) Iemand wat 'n bepaling van sub-artikel (1) oortree, is aan 'n misdryf skuldig, en strafbaar—

 - (a) in die geval van 'n oortreding van 'n bepaling van paragraaf (a), (b) of (c) van daardie sub-artikel—
 - (i) by 'n eerste skuldigbevinding, met 'n boete van hoogstens vyfhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf; en
 - (ii) by 'n tweede of latere skuldigbevinding, met gevangenisstraf vir 'n tydperk van minstens twaalf maande, maar hoogstens vyf jaar, en 'n boete van hoogstens vyfhonderd pond, of met slegs daardie gevangenisstraf; en

Wysiging van artikel 23 van Wet 13 van 1928, soos gewysig deur artikel 4 van Wet 2 van 1935.

Wysiging van artikel 28 van Wet 13 van 1928, soos gewysig deur artikel 5 van Wet 2 van 1935.

Wysiging van artikel 47 van Wet 13 van 1928.

Wysiging van artikel 61 van Wet 13 van 1928, soos vervang deur artikel 17 van Wet 29 van 1954.

(b) in the case of a contravention of any provision of paragraph (d) of the said sub-section, to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2)*bis*. For the purposes of sub-section (2) a conviction under a provision which was in force prior to the commencement of section *seventeen* of the Medical, Dental and Pharmacy Amendment Act, 1954 (Act No. 29 of 1954), shall be deemed to be a conviction for a contravention of the corresponding provision (if any) of sub-section (1) of this section.

(2)*ter*. Notwithstanding anything to the contrary contained in any law, the court convicting any person of having possessed, kept, used, cultivated or conveyed in contravention of this Act, any drug, plant or portion thereof, pipe, receptacle or appliance seized under sub-section (2) of section *seventy-one*, shall declare such drug, plant or portion thereof, pipe, receptacle or appliance to be forfeited to the State.

(2)*quat*. Notwithstanding anything to the contrary contained in the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or in any other law, the court convicting any person of any offence under sub-section (2) shall declare any vehicle or receptacle used for the purpose of or in connection with the commission of such offence, or the convicted person's rights thereto, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the vehicle or receptacle in question, if it is proved that he did not know that it was being used or would be used for the purpose of or in connection with the commission of such offence, or that he could not prevent such use.

(2)*quin*. The provisions of sub-sections (4) and (5) of section *three hundred and sixty* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply to any confiscation under sub-section (2)*quat* of this section."

Amendment of section 65*bis* of Act 13 of 1928, as inserted by section 20 of Act 29 of 1954.

5. Section *sixty-five bis* of the principal Act is hereby amended—

- (a) by the insertion at the end of paragraph (c) of sub-section (4) of the word "or"; and
- (b) by the addition to that sub-section of the following paragraph:

"(d) to any person or organization which has been authorized in writing by the Secretary for Health to acquire such drugs for scientific, research or educational purposes."

Amendment of section 71 of Act 13 of 1928, as substituted by section 23 of Act 29 of 1954.

6. Section *seventy-one* of the principal Act is hereby amended by the deletion of sub-section (3).

Amendment of section 72 of Act 13 of 1928.

7. Section *seventy-two* of the principal Act is hereby amended by the insertion after paragraph (i) of the following paragraph: "*(i)bis* prescribing the manner in which packages containing potentially harmful drugs shall be labelled when sold or supplied;"

Substitution of section 76*bis* of Act 13 of 1928, as inserted by section 9 of Act 13 of 1950 and amended by section 25 of Act 29 of 1954.

8. The following section is hereby substituted for section *seventy-six bis* of the principal Act:

"Prohibition as to use of personal names. 76*bis*. (1) Save as is otherwise provided in this section, no person shall carry on business as a chemist and druggist, either alone or in partnership with another person under any name, title or description which is or includes in any form the surname of a natural person living or dead, if the use of such name, title or description is calculated or likely to lead persons to infer that a person of that surname is or has been associated with the business.

(2) The provisions of sub-section (1) shall not be construed as prohibiting—

- (a) the inclusion in the name, title or description of any business of the surname of an owner thereof, or, in the case of a business wholly