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ALGEMENE KENNISGEWING

DEPARTEMENT VAN GESONDHEID

Die volgende Konsepwetsontwerpe word ter inligting en vir kommentaar gepubliseer:

- (a) Wysigingswetsontwerp op Aptekers
- (b) Wysigingswetsontwerp op die Beheer van Medisyne en Verwante Stowwe

Die Konsepwetsontwerpe bevat voorstelle wat aan die Departement gedoen is vir moontlike wysigings aan die betrokke Wette. Daar is nog geen besluit oor enige van die voorstelle of beginsels vervat in die voorstelle geneem nie.

Belanghebbendes word uitgenooi om voor 6 Oktober 1978 die Sekretaris van Gesondheid, Privaatsak X88, Pretoria, 0001, van gemotiveerde kommentaar oor die Konsepwetsontwerpe te voorsien.

GENERAL NOTICE

DEPARTMENT OF HEALTH

The following Draft Bills are published for information and comments:

- (a) Pharmacy Amendment Bill
- (b) Medicines and Related Substances Control Amendment Bill

The Draft Bills contain proposals made to the Department for possible amendments to the Acts concerned. No decision on any of the proposals has been made nor have any of the principles embodied in the proposals been accepted.

Interested parties are invited to furnish the Secretary for Health, Private Bag X88, Pretoria, 0001, with motivated comments on the Draft Bills, before 6 October 1978.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions proposed by Minister on introduction.

Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

To amend the Pharmacy Act, 1974, with regard to definitions; in order to change the constitution of the South African Pharmacy Board; to empower the board to appoint persons who are not members of the board as members of committees; to amend the conditions applicable to private companies who carry on business as a retail pharmacist; to provide for a tariff of fees for pharmacists for professional services; to provide for postponement of imposition and suspension of operation of penalties; and to provide for incidental matters.

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 53 of 1974.

1. Section 1 of the Pharmacy Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "board" of the following definitions:

"dispensing" means the interpretation of a prescription or an order from a medical practitioner, dentist or veterinarian, the manipulation of the required article whether ready-packed, prepared in final form or not, and the appending of instructions as required in the prescription or in terms of the Medicines and Related Substances Control Act, 1965;

"inspector" means a person appointed as such under section 11 of this Act;";

(b) by the insertion after the definition of "Minister" of the following definition:

"pharmaceutical auxiliary personnel" means a person or category of persons or categories of persons registered as such under this Act";

(c) by the insertion after the definition of "pharmacist" of the following definition:

"pharmacist's assistant" means a person registered as such under this Act";.

Amendment of
section 5 of
Act 53 of 1974.

2. (1) Section 5 of the principal Act is hereby amended—

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

"(1) The board shall consist of the following members, namely—

(a) six persons appointed by the Minister and of such persons—

(i) five shall be pharmacists of whom—

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.
-
- Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.
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WETSONTWERP

Tot wysiging van die Wet op Aptekers, 1974, met betrekking tot woordomskrywings; ten einde die samestelling van die Suid-Afrikaanse Aptekersraad te wysig; om die raad te magtig om persone wat nie lede van die raad is nie as lede van komitees aan te stel; tot wysiging van die voorwaardes van toepassing op privaat maatskappye wat as 'n kleinhandelsapteker sake doen; om voorsiening te maak vir 'n geldetarief vir aptekers vir professionele dienste; om voorsiening te maak vir uitstel van oplegging en opskorting van tenuitvoerlegging van strawwe; en om vir bykomstige aangeleenthede voorsiening te maak.

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 Aptekers, 1974 (hieronder die Wysiging van Hoofwet genoem) word hierby gewysig—
 (a) deur die invoeging na die omskrywing van „apteker“^{artikel 1 van} van die volgende omskrywings:
 „aptekersassistent“ iemand wat as sodanig kragtens hierdie Wet geregistreer is;”;
 „farmaceutiese hulppersoneel“ 'n persoon of kategorie van persone of kategorie van persone wat as sodanig kragtens hierdie Wet geregistreer is;”;
 - (b) deur die invoeging na die omskrywing van „hierdie Wet“ van die volgende omskrywing:
 „inspekteur“ iemand wat as sodanig kragtens artikel 11 van hierdie Wet aangestel is;”;
 - (c) deur die invoeging na die omskrywing van „Republiek“ van die volgende omskrywing:
 „reseptering“ die interpretasie van 'n voorskrif of bestelling uitgereik deur 'n geneesheer, tandarts of veearts, die bewerking van die benodigde artikel, hetsy vooraf verpak of in 'n finale vorm voorberei, en die byvoeging van instruksies soos in die voorskrif of ingevolge die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, vereis;”.
2. (1) Artikel 5 van die Hoofwet word hierby gewysig—
 (a) deur subartikel 1 deur die volgende subartikel te vervang:
 „(1) Die raad bestaan uit die volgende lede, naamlik—
 (a) ses persone deur die Minister aangestel en van sodanige persone moet—
 (i) vyf aptekers, van wie—

Wysiging van artikel 5 van Wet 53 van 1974.

- (aa) two shall be members of the staffs of universities at which provision is made for the training of pharmacists;
- (bb) one shall be a member of the staff of a college for advanced technical education at which provision is made for the training of pharmacists;
- (cc) one shall be a member of the staff of a manufacturer of pharmaceutical products;
- (ii) one shall be a person who is not registered under this Act or the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974) or the Nursing Act, 1978 (Act No. 50 of 1978);
- (b) six pharmacists who are South African citizens, resident in the Republic and elected by pharmacists in accordance with the provisions of this Act;
- (c) one medical practitioner registered in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974, and appointed from amongst its members by the South African Medical and Dental Council referred to in that Act;
- (d) one registered nurse appointed from amongst its members by the South African Nursing Council referred to in the Nursing Act, 1978;
- (e) the chief of pharmaceutical services of the Department of Health;
- (f) a pharmacist who is an officer of a provincial administration and who shall be appointed by the Administrators of the provinces.”;
- (b) by the insertion after subsection (2) of the following subsection:
- “(2A) (a) Not less than three months prior to the date of expiry of the term of office of the members of the council, the Administrators of the provinces, the South African Medical and Dental Council referred to in subsection (1) (c) and the South African Nursing Council referred to in subsection (1) (d), shall inform the registrar in writing of the names of the persons appointed by them in terms of the provisions of subsection (1).
- (b) If the said Administrators of the provinces fail or the said South African Medical and Dental Council or South African Nursing Council fails to make an appointment in terms of the provisions of subsection (1), or to inform the registrar, as required in paragraph (a), of the names of the persons appointed by them, the Minister shall make the necessary appointment and any appointment so made by the Minister shall be deemed to have been properly made in terms of the appropriate paragraph of subsection (1).”;
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) A member of the board shall hold office for five years, but shall be eligible for reappointment or re-election, as the case may be.”.
- (2) (a) The members of the South African Pharmacy Board referred to in section 2 of the Pharmacy Act, 1974 (Act No. 53 of 1974), as that board was constituted immediately prior to the commencement of this Act, shall after such commencement remain members of the board until the period for which they were appointed or elected has expired.
- (b) The period for which members of the said board who became members thereof in terms of the amendment

- (aa) twee lede is van die personele van universiteite waar voorsiening gemaak word vir die opleiding van aptekers;
- (bb) een lid is van die personeel van 'n kollege vir gevorderde tegniese onderwys, waar voorsiening gemaak word vir die opleiding van aptekers;
- (cc) een lid is van die personeel van 'n vervaardiger van farmaseutiese produkte, wees;
- (ii) een 'n persoon wees wat nie kragtens hierdie Wet of die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), of die Wet op Verpleging, 1978 (Wet No. 50 van 1978), geregistreer is nie;
- (b) ses aptekers wat Suid-Afrikaanse burgers is, in die Republiek woonagtig is en deur aptekers verkies word ooreenkomsdig die bepalings van hierdie Wet;
- (c) een geneesheer geregistreer ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsberoep, 1974, en uit sy geledere aangestel deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in daardie Wet;
- (d) een geregistreerde verpleegkundige uit sy geledere aangestel deur die Suid-Afrikaanse Raad op Verpleging bedoel in die Wet op Verpleging, 1978;
- (e) die hoof van farmaseutiese dienste van die Departement van Gesondheid;
- (f) 'n apteker wat 'n beampie in die diens van 'n provinsiale administrasie is en wat deur die Administrateurs van die provinsies aangestel moet word.'';
- (b) deur die volgende subartikel na subartikel (2) in te voeg:
 „(2A) (a) Die Administrateurs van die provinsies, die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in subartikel (1) (c) en die Suid-Afrikaanse Raad op Verpleging bedoel in subartikel (1) (d), moet nie later nie as drie maande voor die datum van verstryking van die ampttermyn van die lede van die raad die registrator skriftelik in kennis stel van die name van die persone wat kragtens die bepalings van subartikel (1) deur hulle aangestel is.
- (b) Indien die bedoelde Administrateurs van die provinsies, die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad of die Suid-Afrikaanse Raad op Verpleging versuum om 'n aanstelling ingevolge die bepalings van subartikel (1) te doen of om, soos vereis in paragraaf (a), die registrator in kennis te stel van die name van die persone wat deur hulle aangestel is, word die nodige aanstelling deur die Minister gedoen en 'n aanstelling wat aldus deur die Minister gedoen is, word geag behoorlik gedoen te gewees het ingevolge die toepaslike paragraaf van subartikel (1).”;
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
 „(3) 'n Lid van die raad beklee sy amp vir vyf jaar, maar kan weer aangestel of verkies word, na gelang van die geval.”.
- (2) (a) Die lede van die Suid-Afrikaanse Aptekersraad in artikel 2 van die Wet op Aptekers, 1974 (Wet No. 53 van 1974), bedoel, soos daardie raad saamgestel was onmiddellik voor die inwerkingtreding van hierdie Wet, bly na sodanige inwerkingtreding lede van die raad totdat die tydperk waaroor hulle aangestel of verkies is, verstryk het.
- (b) Die tydperk waarvoor lede van genoemde raad wat kragtens die wysiging deur subartikel (1) aangebring

Amendment of section 9 of Act 53 of 1974.

effected by subsection (1), are appointed, shall expire on the same date as the period of office of members referred to in paragraph (a) of this subsection expires.

Amendment of section 10 of Act 53 of 1974.

3. Section 9 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) **Four** Eight members of the board shall form a quorum at any meeting of the board.".

Amendment of section 11 of Act 53 of 1974.

4. Section 10 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) as well as that paragraph of the following words and paragraph:

"The board may appoint from among its members an executive committee and from among its members as well as from among such other persons as the board from time to time may determine such other committees as it may deem necessary and it may delegate to any such committee such of its powers as it may from time to time determine, but shall not be divested of any power so delegated: Provided that—
(a) no penalty imposed by such a committee (other than a caution or a reprimand or a reprimand and a caution or a penalty imposed as a result of an irregularity or an offence committed during an examination) shall be of force and effect until the board has confirmed its imposition;".

Amendment of section 14 of Act 53 of 1974.

5. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The board shall appoint a registrar and it may appoint inspectors and such other officers as it may deem necessary for carrying out its functions under this Act and may dismiss any of such inspectors and other officers.".

Amendment of section 19 of Act 53 of 1974.

6. Section 14 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) a register of **unqualified** pharmacist's assistants, in which shall be entered the name, address, registration number and date of registration of every person entitled in terms of this Act to be registered as **an unqualified** a pharmacist's assistant;".

Amendment of section 20 of Act 53 of 1974.

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

"Holders of qualifications obtained outside the Republic to be registered as pharmacists only after undergoing practical training and having passed (b) a certain test.

19. Notwithstanding anything to the contrary in this Act contained, no person who has obtained his professional qualifications outside the Republic shall be registered as a pharmacist unless he has—
(a) to the satisfaction of the board for a period of not less than one year or periods of not less than one year in the approved registrar aggregate undergone practical training with a pharmacist;
(b) passed to the satisfaction of the board a test, set by examiners appointed by the board, establishing his knowledge of the laws of the Republic relating to pharmaceutical practice and the practice of the pharmaceutical profession.".

8. Section 20 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) undergone the prescribed practical training with a pharmacist in the Republic in a pharmacy approved by the board and by virtue of a **prescribed** contract **of**

lede daarvan geword het, aangestel word, verstryk op dieselfde datum waarop die ampstermy van lede in paragraaf (a) van hierdie subartikel bedoel, verstryk.

3. Artikel 9 van die Hoofwet word hierby gewysig deur Wysiging van artikel 9 van subartikel (3) deur die volgende subartikel te vervang: Wet 53 van 1974.

„(3) **Vier** Agt lede van die raad maak 'n kworum op 'n vergadering van die raad uit.”

4. Artikel 10 van die Hoofwet word hierby gewysig deur die Wysiging van artikel 10 van woorde wat paragraaf (a) voorafgaan sowel as daardie paragraaf Wet 53 van 1974. deur die volgende woorde en paragraaf te vervang:

„Die raad kan 'n uitvoerende komitee uit sy lede en die ander komitees wat hy nodig ag uit sy lede sowel as uit sodanige ander persone wat die raad van tyd tot tyd bepaal, aanstel en kan sodanige van sy bevoegdhede wat hy van tyd tot tyd bepaal aan so 'n komitee deleer, maar word nie onthef van 'n bevoegdheid wat aldus gedelegeer is nie: Met dien verstande dat—

(a) geen straf deur so 'n komitee opgelê (uitgesonderd 'n waarskuwing of 'n berispeling of 'n berispeling en 'n waarskuwing of 'n straf opgelê as gevolg van 'n onreëlmatigheid of 'n oortreding gedurende 'n eksamen gepleeg) van krag is totdat die raad die oplegging daarvan bekragtig het nie;”.

5. Artikel 11 van die Hoofwet word hierby gewysig deur Wysiging van artikel 11 van subartikel (1) deur die volgende subartikel te vervang: Wet 53 van 1974.

„(1) Die Raad moet 'n registrator aanstel en kan inspekteurs en die ander beampies aanstel wat hy nodig ag vir die verrigting van sy werkzaamhede kragtens hierdie Wet en kan enige van daardie inspekteurs en ander beampies ontslaan.”.

6. Artikel 14 van die Hoofwet word hierby gewysig deur Wysiging van artikel 14 van paragraaf (d) van subartikel (1) deur die volgende paragraaf te Wet 53 van 1974. vervang:

„(d) 'n register van **longekwalifiseerde assistente** aptekers-assistente waarin die naam, adres, registrasienummer en datum van registrasie van iedereen wat ingevolge hierdie Wet daarop geregtig is om as 'n **longekwalifiseerde assistent** aptekersassistent geregistreer te word, ingeskryf moet word;”.

7. Artikel 19 van die Hoofwet word hierby deur die volgende Wysiging van artikel 19 van Wet 53 van artikel vervang:

„Besitters van kwalifikasies buite die Republiek verwerf, word slegs as aptekers geregistreer nadat hulle praktiese opleiding ondergaan en in (b) 'n sekere toets geslaag het.

19. Ondanks andersluidende bepalings in hierdie Wet word niemand wat sy professionele kwalifikasies buite die Republiek verwerf het, as 'n apteker geregistreer nie tensy hy—

(a) tot bevrediging van die raad vir 'n typerk van minstens een jaar of typerke van minstens een jaar altesaam praktiese opleiding by 'n apteker ondergaan het;

(b) tot bevrediging van die raad geslaag het in 'n toets, opgestel deur eksaminatore deur die raad aangestel, wat sy kennis bepaal van die wette van die Republiek wat op farmaseutiese praktyk en die beoefening van die aptekersberoep betrekking het.”.

8. Artikel 20 van die Hoofwet word hierby gewysig deur Wysiging van artikel 20 van paragraaf (a) deur die volgende paragraaf te vervang: Wet 53 van 1974.

„(a) die voorgeskrewe praktiese opleiding by 'n apteker in die Republiek ondergaan het in 'n apteek wat deur die raad goedgekeur is en uit hoofde van 'n **opleidings-**

training】 lodged with the registrar **[and approved by the board prior to the commencement of such training].”**

Substitution of section 21 of Act 53 of 1974.

9. The following section is hereby substituted for section 21 of the principal Act:

“Registration of pharmacist's assistants.

21. Any person who has obtained credit for the first year of study for a degree or diploma in pharmacy at an institution approved by the board and who is registered as a pharmacy student, or who has served as an indentured apprentice to a pharmacist within the Republic in terms of the provisions of section 27 of the Medical, Dental and Pharmacy Act, 1928 (Act No 13 of 1928), for such period as the board may determine, may, on payment of the prescribed fee, be registered as a pharmacist's assistant.”

Amendment of section 22 of Act 53 of 1974 as amended by section 9 of Act 36 of 1977.

10. Section 22 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) (a) A body corporate which did not immediately prior to the commencement of this Act carry on business as a retail pharmacist, may carry on business as such if it is a private company having a share capital and has been incorporated and registered under the Companies Act, 1973 (Act No. 61 of 1973), as a private company **[and if its memorandum of association states that its directors and former directors shall be liable, jointly and separately together with the company for such debts and liabilities of the company as are or were contracted during their period of office].**

(b) Notwithstanding anything to the contrary contained in the Companies Act, 1973, the following shall apply in respect of such company—

(i) Only natural persons who are pharmacists, may hold the shares of such company or have any interest in such shares: Provided that in the event of any person dying or ceasing to qualify so to hold shares of the company, any shares of it held by him prior thereto, may continue to be held by him or his estate for a period of **[six] twelve** months or such longer period as the board may determine.

(ii) No voting rights except those which will enable the company to comply with the provisions of this section and to dispose of its undertaking or assets or of any part thereof shall attach to any share held in terms of the proviso to subparagraph (i), and the holder of any such share shall not receive any director's fees or remuneration **[or participate in the income or profits earned by that company by the carrying on of its retail pharmacy business].**

(iii) Every holder of shares of such company, other than a person referred to in the proviso to subparagraph (i), shall be deemed to be a director of the company, and no other person who is not such a holder, except a managing director referred to in this section, shall be a director of that company.

(iv) The name of the company shall consist solely of the name or names of any of the members or former members of the company or of persons who carried on, either for their own account or in partnership, any pharmacy business which may reasonably be regarded as a predecessor of the

kontrak] voorgeskrewe kontrak wat by die registrator ingedien is [en deur die raad goedgekeur is voor die aanvang van sodanige opleiding].”.

9. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrasie van aptekers-assistente.”

21. Iemand wat erkenning verkry het vir die eerste jaar van studie vir 'ngraad of diploma in farmasie aan 'n inrigting wat deur die raad goedgekeur is en wat as 'n aptekerstudent geregistreer is, of wat vir die tydperk wat die raad bepaal ingevolge die bepalings van artikel 27 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as 'n ingeboekte leerling by 'n apteker in die Republiek gedien het, kan, by betaling van die voorgeskrewe geldte, as 'n aptekersassistent geregistreer word.”.

10. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) (a) 'n Regpersoon wat nie onmiddellik voor die inwerkingtreding van hierdie Wet as kleinhandelsapteker sake gedoen het nie, mag as sodanig sake doen indien dit 'n private maatskappy is wat 'n aandelekapitaal het en kragtens die Maatskappywet, 1973 (Wet No. 61 van 1973), as 'n private maatskappy ingelyf en geregistreer is [en indien sy akte van oprigting bepaal dat sy direkteure en voormalige direkteure gesamentlik en afsonderlik, tesame met die maatskappy aanspreeklik is vir die skulde en verpligtings van die maatskappy wat gedurende hul ampstermyne aangegaan word of is].”.

(b) Ondanks die bepalings van die Maatskappywet, 1973, geld die volgende bepalings ten opsigte van so 'n maatskappy—

(i) Slegs natuurlike persone wat aptekers is, mag die aandele van so 'n maatskappy hou of 'n belang in sodanige aandele hê: Met dien verstande dat ingeval iemand te sterwe kom of ophou om te kwalifiseer om aldus aandele van die maatskappy te hou, enige aandele daarvan wat voor dit deur hom gehou is, nog deur hom of sy boedel gehou kan word vir 'n tydperk van [ses] twaalf maande of dié langer tydperk wat die raad bepaal.

(ii) Daar is geen stemreg, behalwe die wat die maatskappy in staat sal stel om te voldoen aan die bepalings van hierdie artikel en om sy onderneming of bates of enige deel daarvan te verkoop, verbonde aan 'n aandeel wat ingevolge die voorbehoudsbe-paling by subparagraaf (i) gehou word nie en die houer van so 'n aandeel mag nie direkteursgelde [ontvang] of enige vergoeding ontvang [of deel in die inkomste of die winste deur daardie maatskappy deur die dryf van sy kleinhandelap-tekersaak verdien] nie.

(iii) Elke houer van aandele van sodanige maatskappy, uitgesonderd iemand bedoel in die voorbehoudsbe-paling by subparagraaf (i), word geag 'n direkteur van die maatskappy te wees, en niemand wat nie so 'n houer is nie, uitgesonderd 'n besturende direk-teur in hierdie artikel bedoel, mag 'n direkteur van die maatskappy wees nie.

(iv) Die naam van die maatskappy moet uitsluitlik bestaan uit die naam of name van lede of voormalige lede van die maatskappy of van persone wat, hetsy vir eie rekening of in vennootskap, enige aptekersaak gedryf het wat redelikerwys as 'n voorganger van die saak van die maatskappy

Vervanging van artikel 21 van Wet 53 van 1974.

Wysiging van artikel 22 van Wet 53 van 1974 soos gewysig deur artikel 9 van Wet 36 van 1977.

Repeal of
section 24 of
Act 53 of 1974.

Amendment of
section 29 of
Act 53 of 1974.

Amendment of
section 35 of
Act 53 of 1974.

Amendment of
section 37 of
Act 53 of 1974.

Insertion of
section 38A in
Act 53 of 1974.

business of the company: Provided that the words 'and associates' or 'and company' may be included in the name of the company.'".

11. Section 24 of the principal Act is hereby repealed.

12. Section 29 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
 - '(a) the manipulation, preparation or compounding of any medicine or medicinal or chemical substance **[(whether it does or does not contain a poison)]** for sale or supply as a medicine;';
- (b) by the addition of the following paragraph to subsection (2):
 - "(d) advises a person on medicine supplied to him;";
- (c) by the substitution for subparagraph (ii) of paragraph (b) of subsection (3) of the following subparagraph:
 - ,,(ii) of **[an unqualified]** a pharmacist's assistant, pharmaceutical technician and pharmaceutical auxiliary personnel.".

13. Section 35 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- "(1) (a) Subject to the provisions of paragraph (b), every pharmacy shall be conducted under the continuous personal supervision of a pharmacist whose name shall be displayed conspicuously over the main entrance of such pharmacy.
- (b) The provisions of paragraph (a) shall not prohibit the conduction of a pharmacy under the prescribed conditions for the prescribed purposes without the continuous personal supervision of a pharmacist referred to in paragraph (a).".

14. Section 37 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

- "(a) the executor in the deceased estate of a pharmacist may, subject to the law relating to the administration of estates, for a period not exceeding **[five years]** twelve months after the date of the death of that pharmacist, and for such additional period as the board may in its discretion allow, continue the pharmacy business of the deceased, provided it is conducted under the continuous personal supervision of a pharmacist;".

15. The following section is hereby inserted in the principal Act after section 38:

"Powers of
inspectors.

38A. (1) An inspector may, at any time reasonable for the proper performance of the duty, enter any pharmacy, to make an inspection or to perform any duty or to do anything which he is required or authorized by the board to do.

(2) Any person who fails to give or refuses access to an inspector if he requests entrance to any pharmacy or obstructs or hinders him in the execution of his duties under this Act, or who fails or refuses to give information that he may lawfully be required to give to such inspector, or who gives to such inspector false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

(3) Every inspector shall be issued with a document signed by the registrar and containing the name of the inspector concerned as well as a statement to the

beskou kan word: Met dien verstande dat die woorde „en geassosieerde“ of „en maatskappy“ by die naam van die maatskappy ingesluit kan word.”

11. Artikel 24 van die Hoofwet word hierby herroep.

Herroeping van artikel 24 van Wet 53 van 1974.

12. Artikel 29 van die Hoofwet word hierby gewysig—

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

„(a) die bewerking, voorbereiding of aanmaak van medisyne of 'n medisinale of skeikundige stof **[(hetsy dit 'n vergif bevat al dan nie)]** vir verkoop of verskaffing as medisyne;”;

(b) deur die byvoeging van die volgende paragraaf by subartikel (2):

„(d) iemand te adviseer aangaande medisyne wat aan hom verskaf is.”;

(c) deur subparagraaf (ii) van paragraaf (b) van artikel (3) deur die volgende subparagraaf te vervang:

„(ii) van 'n **[ongekwalifiseerde assistent]** aptekersas-sistent, farmaseutiese tegnikus en farmaseutiese hulppersoneel.”.

Wysiging van artikel 29 van Wet 53 van 1974.

13. Artikel 35 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Behoudens die bepalings van paragraaf (b) moet iedere apteek **[moet]** gedryf word onder die voortdu-rende persoonlike toesig van 'n apteker wie se naam op 'n opvallende wyse bo die hoofingang van daardie apteek aangebring moet wees.

(b) Die bepalings van paragraaf (a) verbied nie die bestuur van 'n apteek onder die voorgeskrewe voorwaardes vir die voorgeskrewe doeleindes sonder die voortdurende persoonlike toesig van 'n apteker bedoel in paragraaf (a) nie.”.

Wysiging van artikel 35 van Wet 53 van 1974.

14. Artikel 37 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) kan die eksekuteur van die bestorwe boedel van 'n apteker behoudens die wette op die administrasie van boedels, vir 'n tydperk van hoogstens **[vyf jaar]** twaalf maande na die datum van die dood van daardie apteker, en vir die bykomende tydperk wat na goeddunke deur die raad toegelaat word, die aptekersaak van die oorledene voortsit, mits dit gedryf word onder die voortdurende persoonlike toesig van 'n apteker.”.

Wysiging van artikel 37 van Wet 53 van 1974.

15. Die volgende artikel word hierby in die Hoofwet na artikel 38 ingevoeg:

Invoeging van artikel 38A in Wet 53 van 1974.

„Bevoegdhede van inspekteurs. **38A.** (1) 'n Inspekteur kan te eniger tyd wat redelik is vir die verrigting van die plig, enige apteek betree ten einde 'n inspeksie te doen of 'n plig te verrig of om enigiets te doen wat hy deur die raad opgedra of gemagtig is om te doen.

(2) Iemand wat versuim of weier om toegang te verleen aan 'n inspekteur indien hy toegang tot 'n apteek versoek, of wat hom dwarsboom of hinder by die uitvoering van sy pligte kragtens hierdie Wet, of wat versuim of weier om inligting te verstrek wat wettiglik van hom vereis kan word om aan so 'n inspekteur te verstrek of wat aan so 'n inspekteur vals of misleidende inligting verstrek wel wetende dat dit vals of misleidend is, is aan 'n misdryf skuldig.

(3) Aan iedere inspekteur moet 'n dokument uitgereik word, onderteken deur die registrateur en wat die naam van die betrokke inspekteur bevat sowel

Amendment of
section 42 of
Act 53 of 1974.

effect that such inspector is empowered to make any inspection or perform any duty in terms of this section.

(4) Whenever any inspector makes an inspection or performs any duty as contemplated in this section, he shall exhibit to any person affected thereby the document issued to him in terms of subsection (3).".

16. Section 42 of the principal Act is hereby amended by the addition of the following subsections:

"(3) The board shall as soon as possible after the commencement of the Pharmacy Amendment Act, 1979, conduct an inquiry into, and determine, a tariff of fees in respect of any professional service rendered by a pharmacist.

(4) (a) The board shall for the purposes of this section, as to witnesses and their evidence, but subject to the provisions of paragraph (b) of this subsection, have the powers of a commission under the Commissions Act, 1947 (Act No. 8 of 1947), and to this end the president of the board shall have the power to administer an oath to, or to take an affirmation from, any witness.

(b) The provisions of section 40 (1) (b) and (c) shall *mutatis mutandis* apply with reference to an inquiry under this section.

(5) Any tariff of fees determined under subsection (3) and any amendment thereof under subsection (6), shall be published by the registrar in the *Gazette*.

(6) The board shall as often as it may become necessary review a tariff of fees determined under subsection (3), or review any particular item or items thereof, and may amend such tariff of fees or any such item or items.".

Amendment of
section 43 of
Act 53 of 1974.

17. Section 43 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) No pharmacist shall pay to any medical practitioner or any other person any commission or in any other manner reward him in connection with a prescription [which] by the medical practitioner [has supplied].".

18. Section 44 of the principal Act is hereby amended—

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

"(2) When in the course of any proceedings before any court of law it appears to the court that there is *prima facie* proof of improper or disgraceful conduct on the part of a registered person, or of conduct which when regard is had to such person's profession is improper or disgraceful, the court shall direct that a copy of the record of such proceedings, or such portion thereof as is material to the issue, or in the case of the payment by such person of an admission of guilt fee a copy of the charge sheet and of the record of payment of the said fee, shall be transmitted to the board.";

(b) by the substitution for subsection (3) of the following subsection:

"(3) If the board exercises the powers conferred upon it by section 39, it shall appoint any person as *pro forma* complainant to present the case to the board: Provided that the registrar for the time being or any member of the board shall not be so appointed.";

(c) by the addition of the following subsection:

"(4) The board may, subject to the provisions of the proviso to subsection (3), appoint a person to institute proceedings or to continue proceedings if the person appointed under that subsection is for any reason unable to do so.".

as 'n verklaring te dien effekte dat daardie inspekteur gemagtig is om enige inspeksie te doen of plig te verrig ingevolge hierdie artikel.

(4) Wanneer 'n inspekteur 'n inspeksie doen of 'n plig verrig soos beoog in hierdie artikel moet hy die dokument wat ingevolge subartikel (3) aan hom uitgereik is, toon aan enigiemand wat daardeur geraak word.”.

16. Artikel 42 van die Hoofwet word hierby gewysig deur die Wysiging van artikel 42 van Wet 53 van 1974.

,,(3) Die raad moet so spoedig doenlik na die inwerking-treding van die Wysigingswet op Aptekers, 1979, ondersoek instel na 'n geldetarief ten opsigte van enige professionele diens gelewer deur 'n apteker, en so 'n geldetarief bepaal.

(4) (a) Die raad het by die toepassing van hierdie artikel met betrekking tot getuies en hul getuienis, maar behoudens die bepaling van paragraaf (b) van hierdie subartikel, die bevoegdhede van 'n kommissie ingevolge die Kommissiewet, 1947 (Wet No. 8 van 1947), en te dien einde het die president van die raad die bevoegdheid om 'n getuie 'n eed op te lê of 'n bevestiging van hom te vereis.

(b) Die bepальings van artikel 40 (1) (b) en (c) is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek ingevolge hierdie artikel.

(5) 'n Geldetarief ingevolge subartikel (3) bepaal en enige wysiging daarvan ingevolge subartikel (6), word deur die registrator in die *Staatskoerant* gepubliseer.

(6) Die raad moet so dikwels as wat dit nodig word, 'n geldetarief hersien wat ingevolge subartikel (3) bepaal is, of enige besondere item of items daarvan hersien, en kan so 'n geldetarief of enige sodanige item of items wysig.”.

17. Artikel 43 van die Hoofwet word hierby gewysig deur Wysiging van artikel 43 van Wet 53 van 1974.

,,(1) Geen apteker mag kommissie aan 'n geneesheer of enige ander persoon betaal of hom op enige ander wyse beloon in verband met 'n voorskrif **[wat]** deur die geneesheer **[verskaf het]** nie.”.

18. Artikel 44 van die Hoofwet word hierby gewysig— Wysiging van artikel 44 van Wet 53 van 1974.

(a) deur subartikel (2) deur die volgende subartikel te vervang:

,,(2) Wanneer in die loop van verrigtinge voor 'n gereghof dit vir die hof duidelik word dat daar *prima facie*-bewys bestaan van onbetaamlike of skandalige gedrag van die kant van 'n geregistreerde persoon, of van gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skandelik is, moet die hof gelas dat 'n afskrif van die oorkonde van die verrigtinge, of die gedeelte daarvan wat tersaaklik is, of in die geval waar so 'n persoon skulderkenning betaal het, 'n afskrif van die klagtestaat en van die bewys van betaling van genoemde bedrag, aan die raad gestuur moet word.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

,,(3) Indien die raad die bevoegdhede aan hom verleen deur artikel 39 uitoefen, moet hy iemand as *pro forma*-aanklaer aanstel om die saak aan die raad voor te lê: Met dien verstande dat die diensdoende registrator of 'n lid van die raad nie aldus aangestel word nie.”;

(c) deur die byvoeging van die volgende subartikel:

,,(4) Die raad kan, behoudens die bepaling van die voorbeholdsbeplasing by subartikel (3) 'n persoon aanstel om verrigtinge in te stel of om verrigtinge voort te sit indien die persoon wat kragtens daardie subartikel aangestel is om die een of ander rede nie in staat is om dit te doen nie.”.

Amendment of
section 45 of
Act 53 of 1974.

Insertion of
section 45A in
Act 53 of 1974.

19. Section 45 of the principal Act is hereby amended by the deletion of subsection (3).

20. The following section is hereby inserted in the principal Act after section 45:

"Postponement **45A.** (1) Where the board finds a person referred to of imposition, and suspension in section 45 (1) guilty of conduct referred to therein, of operation, it may—

- (a) postpone for such period and on such conditions as may be determined, the imposition of the penalty; or
- (b) impose any penalty mentioned in section 45 (1) (b) or (c), but order the execution of such penalty to be suspended for such period and on such conditions it may determine.
- (2) (a) If at the end of the period for which the imposition of a penalty has been postponed in terms of subsection (1) (a), the board is satisfied that the person concerned has observed all the relevant conditions, the board shall inform him that no penalty will be imposed upon him.
- (b) If the execution of a penalty has been suspended in terms of subsection (1) (b), and the board is satisfied that the person concerned has observed all relevant conditions throughout the period of suspension, the board shall inform him that the penalty will not be put into operation.
- (c) If the execution of a penalty has been suspended in terms of subsection (1) (b) and the person concerned fails to observe any of the conditions of suspension, the board shall put such penalty into operation unless such person satisfies the board that the non-observance of the condition in question was due to circumstances beyond his control."

Amendment of
section 49 of
Act 53 of 1974,
as amended by
section 11 of
Act 36 of 1977.

21. Section 49 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) any fees payable under this Act, including fees in respect of the registration of any person as a trainee pharmacist, pharmacy student or pharmaceutical technician, pharmacist's assistant or pharmaceutical auxiliary personnel and exemption from the payment of such fees;"

- (b) by the insertion after paragraph (m) of the following paragraph:

"(mA) the institution of post qualification training and refresher-courses for persons registered in terms of this Act;"

Short title.

22. This Act shall be called the Pharmacy Amendment Act, 1979.

19. Artikel 45 van die Hoofwet word hierby gewysig deur subartikel (3) te skrap. Wysiging van artikel 45 van Wet 53 van 1974.

20. Die volgende artikel word hierby in die Hoofwet na artikel 45 ingevoeg: Invoeging van artikel 45A in Wet 53 van 1974.

„Uitstel van oplegging, en opskorting van ten-uitvoerlegging, (a) die oplegging van 'n straf uitstel vir die tydperk van straf. „**45A.** (1) Waar die raad 'n persoon in artikel 45 (1) bedoel, skuldig bevind aan gedrag daarin vermeld, kan hy— (a) Indien die raad oortuig is, na afloop van die tydperk waarvoor die oplegging van 'n straf ingevolge subartikel (1) (a) uitgestel is, dat die betrokke persoon al die toepaslike voorwaardes nagekom het, moet die raad hom medeeel dat geen straf hom opgelê gaan word nie. (b) Indien die tenuitvoerlegging van 'n straf ingevolge subartikel (1) (b) opgeskort is, en die raad oortuig is dat die betrokke persoon gedurende die hele tydperk van die opskorting al die toepaslike voorwaardes nagekom het, moet die raad hom medeeel dat die tenuitvoerlegging van die straf nie in werking gestel sal word nie. (c) Indien die tenuitvoerlegging van 'n straf opgeskort is ingevolge subartikel (1) (b) en die betrokke persoon versuim om enige van die voorwaardes van opskorting na te kom, moet die raad die straf ten uitvoer lê tensy sodanige persoon die raad oortuig dat die nie-nakoming van die betrokke voorwaarde te wyte was aan omstandighede buite sy beheer.”.

21. Artikel 49 van die Hoofwet word hierby gewysig— Wysiging van artikel 49 van Wet 53 van 1974 soos gewysig deur artikel 11 van Wet 36 van 1977.

(a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: „(d) gelde wat kragtens hierdie Wet betaalbaar is, met inbegrip van gelde ten opsigte van die registrasie van iemand as 'n kwekeling-apteker, aptekerstudent of farmaseutiese tegnikus, aptekersassistent of farmaseutiese hulppersoneel en vrystelling van betaling van sodanige geld;”;

(b) deur die volgende paragraaf na paragraaf (m) in te voeg: „(mA) die instelling van na-kwalifikasie opleiding en opknappingskursusse vir persone wat kragtens hierdie Wet geregistreer is;”.

22. Hierdie Wet heet die Wysigingswet op Aptekers, 1979. Kort titel.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions proposed by Minister on introduction.

_____ Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

To amend the provisions of the Medicines and Related Substances Control Act, 1965, so as to replace or define or further define certain expressions; to provide for the registration of certain medicines intended for animals and to extend the provisions of the Act to such medicines; to further define the disqualifications and vacation of office of members of the Medicines Control Council; to provide for a veterinarian as a member of the Medicines Control Appeal Board in respect of medicine intended for animals and to further define the disqualifications and vacation of office of members of that board; to repeal the provisions in regard to labels and advertisements and to make provision for dealing with the matter by regulation; to change the method by which information relating to medicine must be made available to medical practitioners, dentists, veterinarians and pharmacists; to change the method by which permits may be issued, to provide for the retention of a prescription for a Schedule 7 substance and to provide for a pharmacist to sell a Schedule 5, Schedule 6 and Schedule 7 substance in an emergency on a telephonic instruction of a medical practitioner, dentist or veterinarian; to amend the provisions relating to the appointment of inspectors, analysts, pharmacologists and pathologists and the provisions relating to samples; and to provide for incidental matters.

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 101 of 1965 as amended by section 1 of Act 65 of 1974.

1. Section 1 of the Medicines and Related Substances Control Act, 1965 (hereinafter referred to as the principal Act), is hereby amended—

(a) (i) by the substitution for the definition of “approved name” in subsection (1) of the following definition—

“‘approved name’ in relation to a medicine, means the internationally recognized non-proprietary name of such medicine [or such other name as the council may determine, not being a brand name or trade name registered in terms of the Trade Marks Act, 1963 (Act No. 62 of 1963)];”;

(ii) by the insertion after the definition of “hospital” in subsection (1) of the following definition:

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.
-
- Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.
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WETSONTWERP

Om die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, te wysig ten einde sekere woordomskrywings te vervang, te omskryf of verder te omskryf; om voorsiening te maak vir die registrasie van sekere medisyne bedoel vir diere en om die bepalings van die Wet tot sodanige medisyne uit te brei; om onbevoegdhede en ontruiming van amp van lede van die Medisynebeheerraad verder te omskryf; om voorsiening te maak vir 'n veearts as lid van die Appèlraad op Medisynebeheer ten opsigte van medisyne bedoel vir diere en om die onbevoegdhede en ampsontruiming van lede van daardie raad verder te omskryf; om die bepalings met betrekking tot etikette en advertensies te herroep en om voorsiening te maak dat die saak by regulasie beheer word; om die wyse waarop inligting met betrekking tot medisyne aan geneeshere, tandartse, veeartse en aptekers beskikbaar gemaak moet word, te wysig; om die wyse waarop permitte uitgereik word, te wysig, en om voorsiening te maak vir die behoud van 'n voorskrif vir 'n Bylae 7-stof en vir die verkoop van 'n Bylae 5, Bylae 6 en Bylae 7-stof deur 'n apteker in 'n noodgeval ingevolge 'n mondelinge opdrag deur 'n geneesheer, tandarts of veearts; om die bepalings met betrekking tot die aanstelling van inspekteurs, ontleders, farmakoloë en patoloë en die bepalings met betrekking tot monsters te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

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 die Beheer van Medisyne en Verwante Stowwe, 1965 (hieronder die Hoofwet genoem) word hierby gewysig—
- (a) (i) deur die omskrywing van „apteker” in subartikel (1) deur die volgende omskrywing te vervang:
„apteker” iemand wat kragtens die Wet op Aptekers, 1974, geregistreer is en ook 'n kwekeling-apteker gedurende die twaalfde maand van die tydperk of tydperke van praktiese opleiding bedoel in artikel 20 (2) van bedoelde Wet;”;
- (ii) deur die omskrywing van „geneesheer” in subartikel (1) deur die volgende omskrywing te vervang:
„geneesheer” iemand wat kragtens die Wet op Geneeshere as sodanig geregistreer is, en ook 'n intern en, sover dit 'n medisyne en Bylae 1,
- Wysiging van artikel 1 van Wet 101 van 1965 soos gewysig deur artikel 1 van Wet 65 van 1974.

- "immediate container" in relation to a medicine, means the container which is in direct contact with the medicine;"
- (iii) by the substitution for the definition of "medical practitioner" in subsection (1) of the following definition:
"medical practitioner" means a person registered as such under the Medical Act and includes an intern and, in so far as a medicine and Schedule 1, Schedule 2, Schedule 3 and Schedule 4 substance are concerned a student intern registered under that Act;"
- (iv) by the substitution for the definition of "medicine" in subsection (1) of the following definition:
"medicine" means any substance or mixture of substances used or purporting to be suitable for use or manufactured or sold for use in—
 - (a) the diagnosis, treatment, mitigation, modification or prevention of disease, abnormal physical or mental state or the symptoms thereof in man; or
 - (b) restoring, correcting or modifying any somatic or psychic or organic function in man,
and includes a veterinary cure;"
- (v) by the substitution for the definition of "pharmacist" in subsection (1) of the following definition:
"pharmacist" means a person registered as such under the Pharmacy Act, 1974, and a trainee pharmacist during the twelfth month of the period or periods of practical training referred to in section 20 (2) of that Act;"
- (vi) by the deletion of the definition of "unqualified assistant" in subsection (1) and the insertion after the definition of "pharmacist" of the following definition:
"pharmacist's assistant" means a person registered as such under the Pharmacy Act, 1974;"
- (vii) by the insertion after the definition of "registered" in subsection (1) of the following definition:
"registered name" in relation to a medicine, means the name approved by the council in terms of section 15 (5) under which a medicine is registered;"
- (viii) by the insertion after the definition of "veterinarian" in subsection (1) of the following definition:
"veterinarian cure" means any substance or mixture of substances, except a stock remedy which is subject to registration under the Fertilizers, Farm Feeds, Agricultural and Stock Remedies Act, 1947 (Act No. 36 of 1947), which is intended or offered for use or purporting to be suitable for use or manufactured or sold for use for the treatment, diagnosis or curing of an ailment, infection or other condition or for the maintenance or betterment of health, growth, production or capacity for work or the healing, rectification or modification of any somatic or psychic or organic function in any vertebrate except *homo sapiens*;"

- Bylae 2, Bylae 3 en Bylae 4-stof betref, 'n student-intern wat kragtens daardie Wet geregistreer is;';
- (iii) deur die invoeging na die omskrywing van „geregistreer” in subartikel (1) van die volgende omskrywing:
„geregistreerde naam”, met betrekking tot 'n medisyne, die naam deur die raad kragtens artikel 15 (5) goedgekeur waaronder die medisyne geregistreer is;”;
- (iv) deur die omskrywing van „goedgekeurde naam” in subartikel (1) deur die volgende omskrywing te vervang:
„goedgekeurde naam” met betrekking tot medisyne die **[naam]** internasional erkende soortnaam van daardie medisyne **[wat internasionale erkenning geniet of die ander naam wat die raad bepaal, behalwe 'n naam van 'n fabrikaat of 'n handelsnaam wat kragtens die Wet op Handelsmerke, 1963 (Wet No. 62 van 1963) geregistreer is];”;**
- (v) deur die omskrywing van „medisyne” in subartikel (1) deur die volgende omskrywing te vervang:
„medisyne’ enige stof of mengsel van stowwe wat gebruik word of geskik heet te wees vir gebruik of vervaardiging of verkoop word vir gebruik by—
- (a) die diagnose, behandeling, leniging, matiging of voorkoming van siektes, abnormale liggaaamlike of geestelike toestande of die simptome daarvan by die mens; of
 - (b) genesing, regstelling of matiging van enige somatiese of psigiese of organiese funksie by die mens,
en ook 'n veterinêre middel;”;
- (vi) deur die omskrywing van „ongekwalifiseerde assistent” in subartikel (1) te skrap en die volgende omskrywing na die omskrywing van „apteker” in te voeg:
„,aptekersassistent’ iemand wat kragtens die Wet op Aptekers, 1974, as sodanig geregistreer is;”;
- (vii) deur die invoeging na die omskrywing van „Minister” in subartikel (1) van die volgende omskrywing:
„,onmiddellike houer” met betrekking tot 'n medisyne, die houer wat in direkte aanraking met die medisyne is;”;
- (viii) deur die invoeging na die omskrywing van „verkoop” in subartikel (1) van die volgende omskrywing:
„,veterinêre middel”, enige stof of mengsel van stowwe, behalwe 'n veemiddel wat onderworpe is aan registrasie kragtens die Wet op Misstowwe, Veevoedsels, Landboumiddels en Veemiddels, 1947 (Wet No. 36 van 1947), wat bestem is of aangebied word vir gebruik of geskik heet te wees vir gebruik of vervaardig of verkoop word vir gebruik, vir die behandeling, diagnose of genesing van 'n siekte, infeksie of ander toestand of vir die instandhouding of verbetering van gesondheid, groei, produksie of werkvermoë, of die genesing, regstelling of matiging van enige somatiese of psigiese of organiese funksie by enige gewerwelde dier, behalwe *homo sapiens*;”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) A medicine produced either within or outside the Republic shall, notwithstanding the fact that its components are identical to those of any other medicine as to physical characteristics, quantity and quality, for the purposes of this Act not be regarded as being the same medicine as that other medicine if registration thereof is not applied for by the same applicant **[or if it is not presented in the same form as that other medicine.]**.”

Amendment of section 6 of Act 101 of 1965 as amended by section 5 of Act 65 of 1974.

2. Section 6 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection 1 of the following paragraph:

“(b) who is disqualified under the Veterinary Act, 1933 or the Medical Act or Pharmacy Act, 1974, from carrying on his profession, while so disqualified;”;

- (b) by the substitution for subsection (4) of the following subsection:

“(4) For the purposes of paragraph (c) of subsection (1) a veterinarian or a medical practitioner or a pharmacist shall not be deemed to have an interest in the sale of any medicine by reason only of the fact that—

(a) in the case of a medical practitioner, he sells the medicine in question in the course of carrying on his professional activities as a medical practitioner; or

(b) in the case of a pharmacist, he sells the medicine in question by retail in the course of carrying on his professional activities as a pharmacist; or

(c) in the case of a veterinarian, he sells the medicine in question in the course of carrying on his professional activities as a veterinarian.”.

Amendment of section 10 of Act 101 of 1965 as amended by section 8 of Act 65 of 1974.

3. Section 10 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) subject to the provisions of subsection (3), one shall be a medical practitioner who has a speciality in medicine entered in the appropriate register contemplated in section **[19]** 18 of the Medical Act, in respect of medicine intended for use by homo sapiens, and one shall be a veterinarian in respect of veterinarian cures;”

- (b) by the addition of the following subsection:

“(3) Any member of the appeal board appointed in terms of paragraph (b) of subsection (1) shall not take part in the proceedings of the board in so far as they relate to a medicine in which such member has no interest by virtue of his profession.”.

Amendment of section 11 of Act 101 of 1965 as amended by section 9 of Act 65 of 1974.

4. Section 11 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) For the purposes of paragraph (f) of subsection (1) a medical practitioner or veterinarian shall not be deemed to have an interest in the sale of any medicine by reason only of the fact that he sells the medicine in question in the course of carrying on his professional activities as a medical practitioner or veterinarian.”.

Amendment of section 14 of Act 101 of 1965 as amended by section 1 of

5. Section 14 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The provisions of subsection (1) shall not apply in respect of the sale of any medicine compounded—

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

,,(2) 'n Medisyne, hetsy in of buite die Republiek geproduseer, word by die toepassing van hierdie Wet nie geag dieselfde medisyne as ander medisyne te wees nie, al is die bestanddele daarvan wat betref fisiese eien-skappe, hoeveelheid en gehalte dieselfde as dié van daardie ander medisyne, indien aansoek om registrasie daarvan nie deur dieselfde aansoeker as daardie ander medisyne gedaan is [**of dit nie in dieselfde vorm as daardie ander medisyne aangebied word**] nie.'.

2. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

,,(b) wat ingevolge die Veeartswet, 1933 of die Wet op Geneeshere of die Wet op Aptekers, 1974, onbevoeg is om sy beroep te beoefen, terwyl hy aldus onbevoeg is;';

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

,,(4) By die toepassing van paragraaf (c) van subartikel (1) word 'n veearts of' n geneesheer of 'n apteker nie geag 'n belang by die verkoop van enige medisyne te hê nie bloot omrede die feit dat hy—

(a) in die geval van 'n geneesheer, die betrokke medisyne in die loop van die verrigting van sy professionele werksaamhede as 'n geneesheer, verkoop; of

(b) in die geval van 'n apteker, die betrokke medisyne by die klein maat in die loop van die verrigting van sy professionele bedrywighede as 'n apteker, verkoop; of

(c) in die geval van 'n veearts, die betrokke medisyne in die loop van die verrigting van sy professionele werksaamhede as 'n veearts, verkoop.''.

Wysiging van artikel 6 van Wet 101 van 1965 soos gewysig deur artikel 5 van Wet 65 van 1974.

3. Artikel 10 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

,,(b) onderworpe aan die bepalings van subartikel (3), een 'n geneesheer is wat 'n spesialiteit in geneeskunde besit wat in die gepaste in artikel [**vyftien** 18 van die Wet op Geneeshere beoogde register ingeskryf is, ten opsigte van medisyne bestem vir gebruik deur homo sapiens en een 'n veearts is ten opsigte van veterinêre middels;'';

- (b) deur die volgende subartikel by te voeg:

,,(3) 'n Lid van die appèlraad wat ingevolge paragraaf (b) van subartikel (1) aangestel is, neem nie deel aan die verrigtinge van die raad vir sover hulle op 'n medisyne betrekking het nie waarby so 'n lid geen belang uit hoofde van sy beroep het nie.'.

Wysiging van artikel 10 van Wet 101 van 1965 soos gewysig deur artikel 8 van Wet 65 van 1974.

4. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- ,,(4) By die toepassing van paragraaf (f) van subartikel (1) word 'n geneesheer of veearts nie geag 'n belang by die verkoop van enige medisyne bloot omrede hy die betrokke medisyne in die loop van die verrigting van sy professionele bedrywighede as 'n geneesheer of veearts verkoop nie.'.

Wysiging van artikel 11 van Wet 101 van 1965 soos gewysig deur artikel 9 van Wet 65 van 1974.

5. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- ,,(4) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van die verkoop van enige medisyne—

Wysiging van artikel 14 van Wet 101 van 1965 soos gewysig deur artikel 1 van

Act 29 of 1968
and section 12 of
Act 65 of 1974.

- (a) in the course of carrying on his professional activities by a medical practitioner or veterinarian for a particular person or animal, as the case may be, in a quantity not greater than the quantity required for treatment as determined by the medical practitioner or veterinarian or compounded by a pharmacist for a particular person or animal in a quantity not greater than that normally required for the purpose for which it is sold or in a quantity for a particular person or animal as prescribed by a medical practitioner or a dentist or a veterinarian as the case may be;
- (b) by or on behalf of a hospital run by the State or a provincial administration for treatment of a person by such hospital,

if such medicine does not contain any component the sale of which is prohibited by this Act or any component in respect of which an application for registration has been rejected, and is not and has not been advertised.”.

Amendment of
section 16 of
Act 101 of 1965
as amended by
section 14 of
Act 65 of 1974.

6. Section 16 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) If the council—
- (a) is of the opinion that any person has failed to comply with any condition subject to which any medicine has been registered; or
 - (b) is of the opinion that any medicine does not comply with any prescribed requirement; or
 - (c) is of the opinion that it is not in the public interest that any medicine shall be available to the public; or
 - (d) is of the opinion, on the recommendation of the Board of Trade and Industries referred to in section 2 of the Board of Trade and Industries Act, 1944, that, after the expiry of a patent relating to the manufacture of a medicine, ingredients, produced in the Republic and considered of satisfactory quality by the council and at a price considered reasonable by the said board, shall be employed to manufacture such medicine,

the council shall cause notice in writing to be given accordingly by the registrar to the person by whom or on whose behalf application for the registration of that medicine was made.”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) If no such comments are so submitted or if after consideration of any comments so submitted, the council—

- (a) is of the opinion that the registration of the medicine [in question] referred to in paragraph (a), (b) or (c) of subsection (1); or
- (b) after consultation with the said board, is of opinion that the registration of the medicine referred to in paragraph (d) of subsection (1),

should be cancelled, the council may direct the registrar to cancel the registration thereof.”.

- (a) wat deur 'n geneesheer of veearts in die loop van die verrigting van sy professionele bedrywighede aangemaak word vir 'n bepaalde persoon of dier, soos die geval mag wees, in 'n hoeveelheid nie groter nie as die hoeveelheid nodig vir behandeling soos deur die geneesheer of veearts bepaal of deur 'n apteker aangemaak word vir 'n bepaalde persoon of dier in 'n hoeveelheid nie groter nie as dié wat normaalweg nodig is vir die doel waarvoor dit verkoop word, of in 'n hoeveelheid vir 'n bepaalde persoon of dier soos deur 'n geneesheer, of tandarts of veearts soos die geval mag wees, voorgeskryf;
- (b) wat deur of ten behoeve van 'n hospitaal wat deur die Staat of 'n provinsiale administrasie bedryf word, aangemaak word vir behandeling van 'n persoon deur sodanige hospitaal,
- indien sodanige medisyne nie 'n bestanddeel bevat waarvan die verkoop deur hierdie Wet verbied word of 'n bestanddeel ten opsigte waarvan 'n aansoek om registrasie van die hand gewys is nie, en nie geadverteer word of is nie.”.

6. Artikel 16 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Indien die raad—
- (a) van oordeel is dat iemand versuim het om te voldoen aan 'n voorwaarde onderworpe waaraan 'n medisyne geregistreer is; of
- (b) van oordeel is dat 'n medisyne nie aan 'n voorgeskrewe vereiste voldoen nie; of
- (c) van oordeel is dat dit nie in die openbare belang is dat enige medisyne vir die publiek beskikbaar moet wees nie; of
- (d) van oordeel is, op aanbeveling van die Raad van Handel en Nywerheid bedoel in artikel (2) van die Wet op die Raad van Handel en Nywerheid, 1944, dat, na die verstryking van 'n patent met betrekking tot die vervaardiging van 'n medisyne, bestanddele, wat in die Republiek vervaardig word en wat deur die raad as van bevredigende gehalte en waarvan die prys deur bedoelde Raad van Handel en Nywerheid as redelik beskou word, aangewend moet word vir die vervaardiging van sodanige medisyne,
laat die raad skriftelik dienooreenkomsdig kennis gee deur die registrateur aan die persoon deur of ten behoeve van wie die aansoek om die registrasie van bedoelde medisyne geskied het.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- „(3) Indien geen opmerkings aldus ingediend word nie of indien die raad na oorweging van enige aldus ingediende opmerkings—
- (a) van oordeel is dat die registrasie van die **betrokke** in paragraaf (a), (b) of (c) van subartikel (1) bedoelde medisyne; of
- (b) na oorlegpleging met die Raad van Handel en Nywerheid van oordeel is dat die registrasie van die in paragraaf (d) van subartikel (1) bedoelde medisyne,
ingetrek behoort te word, kan die raad die registrateur gelas om die registrasie daarvan in te trek.”.

Substitution of section 18 of Act 101 of 1965 as amended by section 16 of Act 65 of 1974.

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

"Labels and advertisements. **18. (1) No person shall sell any medicine or Scheduled substance unless—**

- (a) the immediate container; or
- (b) the package,

in which such medicine or Scheduled substance is sold, is labelled in the prescribed manner.

(2) No person shall advertise any medicine or Scheduled substance for sale unless such advertisement complies with the prescribed requirements.

(3) The provisions of section 35 (6) shall *mutatis mutandis* apply in respect of regulations made under this section.”.

Amendment of section 22 of Act 101 of 1965 as amended by section 20 of Act 65 of 1974.

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

"Secretary to arrange for furnishing of certain information to medical practitioners, dentists, veterinarians and pharmacists. **22. The Secretary shall, after consultation with the council, make the necessary arrangements to inform, in such manner as he considers most suitable, medical practitioners, dentists, veterinarians (in so far as such information relates to medicine in which they have an interest by virtue of their profession), pharmacists and the person who applied for the registration of such medicine—**

- (a) (i) of the name and number under which such medicine is registered and the conditions, if any, subject to which such medicine is registered;
 - (ii) of the therapeutic efficacy and effect of such medicine;
 - (iii) of the purpose for which, the circumstances under which and the manner in which such medicine should be used; and
 - (iv) regarding any other matter concerning such medicine which, in the opinion of the council, may be of value to them;
- (b) the cancellation of such registration.”.

Amendment of section 22A of Act 101 of 1965.

9. Section 22A of the principal Act is hereby amended—

- (a) by the substitution for subsection (3) of the following subsection:

“(3) Any Schedule 1 substance, not being any such substance prescribed for the purposes of this subsection, shall not be sold by the holder of a licence referred to in subsection (1): Provided that any Schedule 1 substance shall not be sold to any person apparently under the age of sixteen years except upon a prescription issued by a medical practitioner, dentist or veterinarian and dispensed by a pharmacist, trainee pharmacist or **[unqualified] pharmacist's** assistant or by a medical practitioner or dentist or veterinarian or on a written order which discloses the purpose for which such substance is to be used and bears a signature known to the seller as the signature of a person known to the seller and who is apparently over the age of sixteen years **[, and such order shall be retained by the seller for a period of not less than six months after the relevant sale.]**.”;

- (b) by the substitution for subsection (4) of the following subsection:

“(4) Any Schedule 2 substance shall not be sold—

- (a) by any person other than a pharmacist or a trainee pharmacist or **[unqualified] pharmacist's** assistant acting under the personal supervision of a pharmacist; and

7. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

„Etikette en advertensies.

18. (1) Niemand mag 'n medisyne of gelyste stof verkoop nie, tensy—

- (a) die onmiddellike houer; of
 - (b) die pakket,
waarin daardie medisyne of gelyste stof verkoop word, op die voorgeskrewe wyse geëtiketteer is.
- (2) Niemand mag 'n medisyne of gelyste stof vir verkoop adverteer nie, tensy sodanige advertensie aan die voorgeskrewe vereistes voldoen.
- (3) Die bepalings van artikel 35 (6) is *mutatis mutandis* van toepassing op regulasies uitgevaardig kragtens hierdie artikel.”.

Vervanging van artikel 18 van Wet 101 van 1965 soos gewysig deur artikel 16 van Wet 65 van 1974.

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

„Sekretaris moet reëlings tref vir die verskaffing van sekere inligting aan geneeshere, tandartse, veeartsen en aptekers.

22. Die Sekretaris moet, na oorlegpleging met die

raad, die nodige reëlings tref om, op die wyse wat hy die geskikste ag, geneeshere, tandartse, veeartse waarin hulle belang het uit hoofde van hulle beroep), aptekers en die persoon wat aansoek om die registrasie van sodanige medisyne gedoen het, te verwittig van—

- (a) (i) die naam en nommer waaronder sodanige medisyne geregistreer is en die voorwaardes (as daar is) waaraan die medisyne se registrasie onderworpe gestel is;
- (ii) die terapeutiese doeltreffendheid en effek van sodanige medisyne;
- (iii) die doel waarvoor, die omstandighede waaronder en die wyse waarop sodanige medisyne gebruik behoort te word; en
- (iv) enige ander aangeleentheid betreffende sodanige medisyne wat, na die mening van die raad, vir hulle van waarde kan wees;

(b) die intrekking van sodanige registrasie.”.

Wysiging van artikel 22 van Wet 101 van 1965 soos gewysig deur artikel 20 van Wet 65 van 1974.

9. Artikel 22A van die Hoofwet word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Bylae 1-stof, behalwe so 'n stof wat vir die doeleindes van hierdie subartikel voorgeskryf word, mag nie deur die houer van 'n in subartikel (1) bedoelde lisensie verkoop word nie: Met dien verstande dat enige Bylae 1-stof nie aan iemand wat oënskynlik minder as sestien jaar oud is, verkoop mag word nie behalwe op 'n voorskrif uitgereik deur 'n geneesheer, tandarts of veearts en toeberei deur 'n apteker, kwekeling-apteker of **[ongekwalifiseerde assistent]** aptekersassistent of deur 'n geneesheer of tandarts of veearts of op 'n skriftelike bestelling waaruit blyk vir watter gebruik bedoelde stof bestem is en waarop 'n handtekening voorkom wat aan die verkoper bekend is as die handtekening van iemand wat die verkoper ken en wat oënskynlik meer as sestien jaar oud is **I**, en daardie bestelling moet deur die verkoper bewaar word vir 'n tydperk van minstens ses maande na die betrokke verkoop**I**.“;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Bylae 2-stof mag nie verkoop word nie—
(a) deur iemand anders as 'n apteker of 'n kwekeling-apteker of **[ongekwalifiseerde assistent]** aptekersassistent handelende onder die persoonlike toesig van 'n apteker; en

Wysiging van artikel 22A van Wet 101 van 1965.

- (b) to any person apparently under the age of sixteen years except upon a prescription issued by a medical practitioner, dentist or veterinarian and dispensed by a pharmacist, trainee pharmacist or **[unqualified]** pharmacist's assistant or by a medical practitioner or dentist or veterinarian or on a written order which discloses the purpose for which such substance is to be used and bears a signature known to the seller as the signature of a person known to such seller and who is apparently over the age of sixteen years; and
- (c) unless the seller, except a manufacturer of or wholesale dealer in pharmaceutical products, enters in a prescription book required to be kept in the prescribed manner, all the prescribed particulars of such sale.”;
- (c) by the substitution for—
- (i) paragraph (a) of subsection (5) of the following paragraph:
“(a) by any person other than a pharmacist or trainee pharmacist or **[unqualified]** pharmacist's assistant acting under the personal supervision of a pharmacist, upon a written prescription issued by a medical practitioner, dentist or veterinarian or on the verbal instructions of a medical practitioner, dentist or veterinarian who is known to such pharmacist; or”;
- (ii) paragraph (c) of subsection (5) of the following paragraph:
“(c) unless the seller, except a manufacturer of or wholesale dealer in pharmaceutical products, enters in the prescribed manner in a prescription book required to be kept in the prescribed manner, all the prescribed particulars of such sale; and”;
- (d) by the substitution for—
- (i) paragraph (a) of subsection (6) of the following paragraph:
“(a) by any person other than a pharmacist or a trainee pharmacist or **[unqualified]** pharmacist's assistant acting under the personal supervision of a pharmacist, upon a written prescription of a medical practitioner, dentist or veterinarian or on the verbal instructions of a medical practitioner, dentist or veterinarian who is known to such pharmacist: Provided that a medical practitioner, dentist or veterinarian who has given such verbal instructions shall within seven days after giving such instructions furnish to such pharmacist a written prescription confirming such instructions; or”;
- (ii) paragraph (c) of subsection (6) of the following paragraph:
“(c) unless the seller, except a manufacturer of or wholesale dealer in pharmaceutical products, enters in the prescribed manner in a prescription book required to be kept in the prescribed manner, all the prescribed particulars of such sale; and”;
- (iii) the first proviso to paragraph (d) of subsection (6) of the following proviso:
“Provided that such sale may, if the person who issued the prescription indicated thereon the number of times **[and the intervals at which]** it may be dispensed, be repeated accordingly;”;

- (b) aan iemand wat oënskynlik minder as sestien jaar oud is, behalwe op 'n voorskrif uitgereik deur 'n geneesheer, tandarts of veearts en toeberui deur 'n apteker, kwekeling-apteker of **[ongekwalificeerde assistent]** aptekersassistent of deur 'n geneesheer of tandarts van veearts of op 'n skriftelike bestelling waaruit blyk vir watter gebruik bedoelde stof bestem is en waarop 'n handtekening voorkom wat aan die verkoper bekend is as die handtekening van iemand wat die verkoper ken en wat oënskynlik meer as sestien jaar oud is; en
- (c) tensy die verkoper, uitgesonderd 'n vervaardiger van of groothandelaar in farmaceutiese produkte, in 'n voorskrifboek wat op die voorgeskrewe wyse gehou moet word, al die voorgeskrewe besonderhede van bedoelde verkoop op die voorgeskrewe wyse opteken.;
- (c) deur die vervanging van—
- (i) paragraaf (a) van subartikel (5) deur die volgende paragraaf:
,,(a) deur iemand anders as 'n apteker of 'n kwekeling-apteker of **[ongekwalificeerde assistent]** aptekersassistent handelende onder die persoonlike toesig van 'n apteker, op 'n skriftelike voorskrif uitgereik deur 'n geneesheer, tandarts of veearts of ingevolge mondelinge opdrag van 'n geneesheer, tandarts of veearts wat aan daardie apteker bekend is; of'";
 - (ii) paragraaf (c) van subartikel (5) deur die volgende paragraaf:
,,(c) tensy die verkoper, uitgesonderd 'n vervaardiger van of groothandelaar in farmaceutiese produkte, in 'n voorskrifboek wat op die voorgeskrewe wyse gehou moet word, al die voorgeskrewe besonderhede van bedoelde verkoop op die voorgeskrewe wyse opteken; en";
- (d) deur die vervanging van—
- (i) paragraaf (a) van subartikel (6) deur die volgende paragraaf:
,,(a) deur iemand anders as 'n apteker of 'n kwekeling-apteker of **[ongekwalificeerde assistent]** aptekersassistent handelende onder die persoonlike toesig van 'n apteker, op 'n skriftelike voorskrif van 'n geneesheer, tandarts of veearts of ingevolge mondelinge opdrag van 'n geneesheer, tandarts of veearts wat aan daardie apteker bekend is: Met dien verstande dat 'n geneesheer, tandarts of veearts wat so 'n mondelinge opdrag gegee het binne sewe dae nadat hy die opdrag gegee het, aan die apteker 'n skriftelike voorskrif, by wyse van bevestiging van bedoelde opdrag, moet verstrek; of'";
 - (ii) paragraaf (c) van subartikel (6) deur die volgende paragraaf:
,,(c) tensy die verkoper, uitgesonderd 'n vervaardiger van of groothandelaar in farmaceutiese produkte, in 'n voorskrifboek wat op die voorgeskrewe wyse gehou moet word, al die voorgeskrewe besonderhede van bedoelde verkoop op die voorgeskrewe wyse opteken; en";
 - (iii) die eerste voorbehoudsbepaling by paragraaf (d) van subartikel (6) deur die volgende voorbehoudsbepaling:
,,Met dien verstande dat, indien die persoon wat die voorskrif uitgereik het, daarop aangedui het hoeveel maal **[en met watter tussenpose]** dit toeberui kan word, bedoelde verkoop dienooreenkomsdig herhaal kan word;"

- (e) by the substitution for—
 (i) subparagraph (i) of paragraph (b) of subsection (7) of the following subparagraph:
 “(i) by any person other than a pharmacist or a trainee pharmacist or **【unqualified】 pharmacist**'s assistant acting under the personal supervision of a pharmacist, upon a written prescription of a medical practitioner, dentist or veterinarian; or”;
 (ii) the first proviso to subparagraph (iv) of paragraph (b) of subsection (7) of the following proviso:
 “Provided that such sale may, if the person who issued the prescription indicated thereon the number of times **【and the intervals at which】** it may be dispensed, be repeated accordingly.”;
 (iii) paragraph (e) of subsection (7) of the following paragraph:
 “(e) The Secretary may **【on the recommendation of the council,】** issue, subject to such conditions and requirements as the Secretary may **【on such recommendation】** determine, a permit to any person to acquire, possess or use any such substance, or to collect, cultivate or keep any plant or any portion thereof from which any such substance may be extracted, derived, produced or manufactured or for scientific, research, analytical or educational purposes.”;
- (f) by the substitution for—
 (i) paragraph (f) of subsection (8) of the following paragraph:
 “(f) No person shall manufacture, import or export any Schedule 6 substance unless—
 (i) a permit for such manufacture, importation or exportation has been issued to him by the Secretary **【on the recommendation of the council and】** subject to the prescribed conditions; or
 (ii) a permit has been issued to him by the Secretary **【on the recommendation of the council and】** subject to the prescribed conditions, for the cultivation or collection of plants, or any portion thereof, from which any such substance can be extracted, derived, produced or manufactured:
 Provided that the Secretary shall, on the recommendation of the council, at any time withdraw any such permit if any condition on which such permit has been issued, is not complied with.”;
 (ii) paragraph (g) of subsection (8) of the following paragraph:
 “(g) The Secretary may, **【on the recommendation of the council】** issue, subject to such conditions and requirements as the Secretary may **on [such] the recommendation of the council** determine, a permit to any person to acquire, possess or use any Schedule 6 substance, or to collect, cultivate or keep, for scientific, research or educational purposes, any plant or any portion thereof from which any such substance can be extracted, derived, produced or manufactured.”;
- (g) by the insertion after paragraph (b) of subsection (9) of the following paragraph:

- (e) deur die vervanging van—
 (i) subparagraaf (i) van paragraaf (b) van subartikel (7) deur die volgende paragraaf:
 „(i) deur iemand anders as 'n apteker of 'n kwekeling-apteker of **[ongekwalifiseerde assistent]** aptekarsassistent handelende onder die persoonlike toesig van 'n apteker, op 'n skriftelike voorskrif van 'n geneesheer, tandarts of veearts; of”;
 (ii) die eerste voorbehoudsbepaling by paragraaf (iv) van paragraaf (b) van subartikel (7) deur die volgende voorbehoudsbepaling:
 „Met dien verstande dat, indien die persoon wat die voorskrif uitgereik het, daarop aangedui het hoeveel maal **[en met watter tussenpose]** dit toeberei kan word, bedoelde verkoop dienooreenkomsdig herhaal kan word:”;
 (iii) paragraaf (e) van subartikel (7) deur die volgende paragraaf:
 „(e) Die Sekretaris kan, **[op aanbeveling van die raad en]** onderworpe aan die voorwaardes en vereistes wat die Sekretaris **[op daardie aanbeveling]** bepaal, aan iemand 'n permit uitreik om so 'n stof te verkry, besit of gebruik, of om 'n plant of deel daarvan waaruit so 'n stof afgetrek, verkry, voortgebring of vervaardig kan word, of vir wetenskaplike, navorsings-, analitiese of opvoedkundige doeleindes, in te samel, te kweek of aan te hou.”;
- (f) deur die vervanging van—
 (i) paragraaf (f) van subartikel (8) deur die volgende paragraaf:
 „(f) Niemand mag 'n Bylae 6-stof vervaardig, invoer of uitvoer nie, tensy—
 (i) 'n permit vir bedoelde vervaardiging, invoer of uitvoer aan hom deur die Sekretaris **[op aanbeveling van die raad en]** onderworpe aan die voorgeskrewe voorwaardes uitgereik is; of
 (ii) 'n permit aan hom deur die Sekretaris **[op aanbeveling van die raad en]** onderworpe aan die voorgeskrewe voorwaardes uitgereik is vir die kweek of insamel van plante of deel daarvan waaruit so 'n stof afgetrek, verkry, voortgebring of vervaardig kan word;
Met dien verstande dat die Sekretaris, op aanbeveling van die raad, te enige tyd so 'n permit moet intrek indien daar aan so 'n voorwaarde waarop sodanige permit uitgereik is, nie voldoen word nie.”;
 (ii) paragraaf (g) van subartikel (8) deur die volgende paragraaf:
 „(g) Die Sekretaris kan **[op aanbeveling van die raad en]** onderworpe aan die voorwaardes en vereistes wat die Sekretaris op **[daardie]** die aanbeveling van die Raad bepaal, aan iemand 'n permit uitreik om 'n Bylae 6-stof te verkry, besit of gebruik, of om 'n plant of deel daarvan waaruit so 'n stof afgetrek, verkry, voortgebring of vervaardig kan word, vir wetenskaplike, navorsings- of opvoedkundige doeleindes in te samel, te kweek of aan te hou.”;
- (g) deur die volgende paragraaf na paragraaf (b) van subartikel (9) in te voeg:

- "(bA) Any seller shall, in the case of a sale as provided in subparagraph (i) or (ii) of paragraph (b), retain the prescription or order concerned for a period of not less than three years as from the date of such sale.'';
- (h) by the substitution for—
- paragraph (f) of subsection (9) of the following paragraph:
- "(f) No person shall manufacture, import or export any Schedule 7 substance unless—
- a permit for such manufacture, importation or exportation has been issued to him by the Secretary **[on the recommendation of the council and]** subject to the prescribed conditions; or
 - a permit has been issued to him by the Secretary **[on the recommendation of the council and]** subject to the prescribed conditions, for the cultivation or collection of plants, or any portion thereof, from which any such substance can be extracted, derived, produced or manufactured;
- Provided that the Secretary shall, on the recommendation of the council, at any time withdraw any such permit if any condition on which such permit has been issued, is not complied with.'';
- paragraph (g) of subsection (9) of the following paragraph:
- "(g) The Secretary may, **[on the recommendation of the council,]** issue, subject to such conditions and requirements as the Secretary may on **[such]** the recommendation of the council determine, a permit to any person to acquire, possess or use any Schedule 7 substance specified in such permit or to collect, cultivate or keep, for specified scientific, research, analytical or educational purposes any plant or any portion thereof from which any such substance can be extracted, derived, produced or manufactured.'';
- (i) by the substitution for subsection (11) of the following subsection:
- "(11) A Schedule 9 substance shall not be acquired by any person other than the Secretary for the purpose of providing a medical practitioner therewith, on the prescribed conditions for the treatment of a particular patient of that medical practitioner subject to such conditions as the Secretary **[, on the recommendation of the council,]** may determine.'';
- (j) by the substitution for subsection (13) of the following subsection:
- "(13) Notwithstanding the other provisions of this section, the Minister may, on the recommendation of the council and after consultation with the Pharmacy Board, issue a permit to any person who is not registered as a pharmacist, to manufacture and sell or after consultation with the Pharmacy Board, issue a permit to any person who is not registered as a pharmacist, to pack and sell any medicine or Scheduled substance specified in the permit, and thereupon such person may, at the place, in the manner and on the conditions specified in the permit, manufacture and sell or pack and sell such medicine or substance.'';
- (k) (i) by the substitution for paragraph (a) of subsection (15) of the following paragraph:

,,(bA) 'n Verkoper moet, in die geval van 'n verkoop soos bepaal in subparagraaf (i) of (ii) van paragraaf (b), die betrokke voorskrif of bestelling behou vir 'n tydperk van minstens drie jaar vanaf die datum van daardie verkoop.'';

(h) deur die vervanging van—

(i) paragraaf (f) van subartikel (9) deur die volgende paragraaf:

,,(f) Niemand mag 'n Bylae 7-stof vervaardig, invoer of uitvoer nie, tensy—

(i) 'n permit vir bedoelde vervaardiging, invoer of uitvoer aan hom deur die Sekretaris **[op aanbeveling van die raad en]** onderworpe aan die voorgeskrewe voorwaardes uitgereik is; of

(ii) 'n permit aan hom deur die Sekretaris **[op aanbeveling van die raad en]** onderworpe aan die voorgeskrewe voorwaardes uitgereik is vir die kweek of insamel van plante of deel daarvan waaruit so 'n stof afgetrek, verkry, voortgebring of vervaardig kan word:

Met dien verstande dat die Sekretaris, op aanbeveling van die raad te enige tyd so 'n permit moet intrek indien daar aan so 'n voorwaarde waarop sodanige permit uitgereik is, nie voldoen word nie.”;

(ii) paragraaf (g) van subartikel (9) deur die volgende paragraaf:

,,(g) Die Sekretaris kan, **[op aanbeveling van die raad en]** onderworpe aan die voorwaardes en vereistes wat die Sekretaris op **[daardie]** die aanbeveling van die Raad bepaal, aan iemand 'n permit uitrek om 'n Bylae 7-stof in die permit vermeld, te verkry, besit of gebruik, of om 'n plant of deel daarvan waaruit so 'n stof afgetrek, verkry, voortgebring of vervaardig kan word, vir bepaalde wetenskaplike, navorsings-, analitiese of opvoedkundige doeleinades in te samel, te kweek of aan te hou.”;

(i) deur subartikel (11) deur die volgende subartikel te vervang:

,,(11) 'n Bylae 9-stof mag nie verkry word nie deur iemand anders as die Sekretaris, ten einde dit aan 'n geneesheer op die voorgeskrewe voorwaardes te verskaf vir die behandeling, onderworpe aan die voorwaardes wat die Sekretaris **[op aanbeveling van die raad]** bepaal, van 'n bepaalde pasiënt van daardie geneesheer.”;

(j) deur subartikel (13) deur die volgende subartikel te vervang:

,,(13) Ondanks die ander bepalings van hierdie artikel, kan die Minister op aanbeveling van die raad en na oorlegpleging met die Aptekersraad, 'n permit uitrek aan 'n persoon wat nie as 'n apteker geregistreer is nie, om enige medisyne of gelyste stof wat in die permit aangedui word te vervaardig en te verkoop of na oorlegpleging met die Aptekersraad 'n permit uitrek aan enige persoon wat nie as 'n apteker geregistreer is nie, om enige medisyne of gelyste stof wat in die permit aangedui word te verpak en verkoop, en bedoelde persoon kan dan sodanige medisyne of stof op die plek, op die wyse en voorwaardes in die permit vermeld, vervaardig en verkoop of verpak en verkoop.”;

(k) (i) deur paragraaf (a) van subartikel (15) deur die volgende paragraaf te vervang:

"(a) any medical practitioner, dentist or veterinarian from selling, subject to the other provisions of this section, any Schedule 1, Schedule 2, Schedule 3, Schedule 4, Schedule 5, Schedule 6 or Schedule 7 substance in the course of lawfully carrying on his professional activities as such to or for any patient or animal under his care or treatment;"

(ii) by the addition to subsection 15 of the following paragraph:

"(c) a pharmacist from selling in an emergency any Schedule 5, Schedule 6 or Schedule 7 substance in a quantity not greater than that required for continuous use for a period of forty-eight hours on the verbal instructions of a medical practitioner, dentist or veterinarian who is known to such pharmacist: Provided that a medical practitioner, dentist or veterinarian who has given such verbal instructions shall within twenty-four hours after giving such instructions furnish to such pharmacist a written prescription confirming such instructions."

Amendment of section 26 of Act 101 of 1965, as amended by section 24 of Act 65 of 1974 and section 1 of Act 19 of 1976.

Substitution of section 27 of Act 101 of 1965 as amended by section 25 of Act 65 of 1974.

Amendment of section 28 of Act 101 of 1965 as amended by section 26 of Act 65 of 1974.

10. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Secretary may **I, after consultation with the council, I** authorize such persons as inspectors, as he may consider necessary for the proper enforcement of this Act."

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

"Analysts, pharmacologists and pathologists **27. The Secretary may grant such authority to such analysts, pharmacologists and pathologists as he may consider necessary for the proper enforcement of this Act.**"

12. Section 28 of the principal Act is hereby amended—

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

"(2) Any sample taken in terms of paragraph (d) of subsection (1) shall be taken in accordance with the prescribed methods and in the presence of the person who is in charge of such medicine or Scheduled substance, or if there is no such person or if he is absent for any reason, in the presence of any other witness, **I and shall in the presence of such person or such witness be divided into three parts, each of which I** shall forthwith be fastened up and sealed and suitably labelled or marked in such manner as its nature may permit **I. One part I and** shall then be transmitted to an analyst, pharmacologist or pathologist together with a certificate in the prescribed forms signed by such inspector **I. The second part together with I and** a copy of the aforesaid certificate shall be handed or transmitted by registered post to the owner or seller of such medicine or Scheduled substance or his agent **I. The third part shall be retained by the inspector I.**";

(b) by the substitution for subsection (3) of the following subsection:

"(3) The analyst, pharmacologist or pathologist to whom **One part of I** a sample has been transmitted in terms of the provisions of subsection (2) shall with all convenient speed test, examine or analyse the sample delivered to him, and the result of the test, examination or analysis shall be stated in a certificate in the prescribed form."

- „(a) 'n geneesheer, tandarts of veearts verbied, onderworpe aan die ander bepalings van hierdie artikel, om 'n Bylae 1-, Bylae 2-, Bylae 3-, Bylae 4-, Bylae 5-, Bylae 6- of Bylae 7-stof in die loop van die wettige verrigting van sy professionele bedrywighede as sodanig te verkoop aan of vir 'n pasiënt of dier onder sy sorg of behandeling;"'
- (ii) deur die volgende paragraaf by subartikel (15) te voeg:
- „(c) 'n apteker verbied om in 'n noodgeval 'n Bylae 5, Bylae 6 of Bylae 7 stof te verkoop, in 'n hoeveelheid wat nie groter is nie as wat nodig is vir gebruik vir 'n aaneenlopende tydperk van agt-en-veertig uur ingevolge mondelinge opdrag van 'n geneesheer, tandarts of veearts, wat aan daardie apteker bekend is: Met dien verstande dat 'n geneesheer, tandarts of veearts wat so 'n mondelinge opdrag gegee het, binne vier-en-twintig uur nadat hy die opdrag gegee het, aan die apteker 'n skriftelike voorskrif, by wyse van bevestiging van bedoelde opdrag moet verstrek.'".

10. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 „(1) Die Sekretaris kan **[, na oorlegpleging met die raad,]** die persone as inspekteurs magtig wat hy vir die behoorlike uitvoering van hierdie Wet nodig ag.”.

Wysiging van artikel 26 van Wet 101 van 1965 soos gewysig deur artikel 24 van Wet 65 van 1974 en artikel 1 van Wet 19 van 1976.

11. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:
 „Ontleders, farmakoloë en patoloë. **27.** Die Sekretaris kan die magtiging aan die ontleders, farmakoloë en patoloë verleen wat hy vir die behoorlike uitvoering van hierdie Wet nodig ag.”.

Vervanging van artikel 27 van Wet 101 van 1965 soos gewysig deur artikel 25 van Wet 65 van 1974.

12. Artikel 28 van die Hoofwet word hierby gewysig—
 (a) deur subartikel (2) deur die volgende subartikel te vervang:
 „(2) 'n Monster wat ingevolge paragraaf (d) van subartikel (1) geneem word, moet ooreenkomsdig die voorgeskrewe metodes en in die teenwoordigheid van die persoon wat toesig het oor die medisyne of gelyste stof geneem word, of, as daar nie so 'n persoon is nie of as hy om die een of ander rede afwesig is, in die teenwoordigheid van 'n ander getuie, **[en]** word **[in die teenwoordigheid van sodanige persoon of sodanige getuie in drie dele verdeel, elk waarvan]** dadelik op die wyse wat die aard daarvan toelaat, verpak en verseeël en behoorlik geëтикetteer of gemerk **[word. Een deel]** en word dan gestuur aan 'n ontleder, farmakoloog of patoloog tesame met 'n sertifikaat in die voorgeskrewe vorm wat deur die inspekteur onderteken is **[. Die tweede deel, tesame met]** en 'n afskrif van voormalde sertifikaat, word aan die eienaar van verkoper van sodanige medisyne of gelyste stof of sy agent oorhandig of per aangeteken-depos gestuur **[. Die derde deel word deur die inspekteur bewaar.]**";

Wysiging van artikel 28 van Wet 101 van 1965 soos gewysig deur artikel 26 van Wet 65 van 1974.

(b) deur subartikel (3) deur die volgende subartikel te vervang:
 „(3) Die ontleder, farmakoloog of patoloog aan wie **[een deel van]** 'n monster ooreenkomsdig die bepalings van subartikel (2) gestuur is, moet die monster wat aan hom gelewer is so spoedig doenlik toets, ondersoek of ontleed en die resultaat van die toets, ondersoek of ontleeding word aangeteken op 'n sertifikaat in die voorgeskrewe vorm.”.

Amendment of section 31 of Act 101 of 1965 as amended by section 29 of Act 65 of 1974.

Amendment of section 35 of Act 101 of 1965 as amended by section 5 of Act 29 of 1969, section 1 of Act 88 of 1970 and section 7 of Act 95 of 1971 and substituted by section 31 of Act 65 of 1974 as amended by section 3 of Act 19 of 1976.

Substitution of long title of Act 101 of 1965 as substituted by section 37 of Act 65 of 1974.

Short title.

13. Section 31 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) No prosecution shall be instituted as a result of any test, examination or analysis carried out in terms of the provisions of section twenty-eight unless a copy of the analyst's, pharmacologist's or pathologist's certificate has **I**, at least twenty-one days before the institution of such prosecution, **I** been handed or transmitted by registered post to the person who is to be the accused.”.

14. Section 35 of the principal Act is hereby amended—

(a) by the insertion after paragraph (xxv) of subsection (1) of the following paragraph:

“(xxvA) as to the procedure to be followed for the disposal or destruction of a Scheduled substance included in Schedule 8 in terms of section 37A and the entries which shall be made in the register concerned;”;

(b) by the substitution for paragraph (xxviA) of subsection (1) of the following paragraph:

“(xxviA) as to the procedure to be followed for the disposal or destruction **[if]** of a Scheduled substance if such substance has become unfit for use, and the report to be furnished in respect thereof;”;

(c) by the insertion after paragraph (xxvii) of subsection (1) of the following paragraph:

“(xxviiA) prescribing the security measures to be observed at or during the handling, keeping, processing and packaging of a medicine or Scheduled substance;”;

(d) by the substitution for paragraph (xxx) of subsection (1) of the following paragraph:

“(xxx) prescribing the lodging fee **[not exceeding one hundred rand]** to be paid to the registrar in respect of an application for the registration of a medicine, the fee to be paid to the registrar for the registration of a medicine, the fee [not exceeding thirty rand] to be paid annually to the registrar in respect of the retention of the registration of a medicine and the date on which the last-mentioned fee shall be so paid;”.

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

“Act

To provide for the registration of medicines intended for human and certain medicines intended for animal use, for the establishment of a Medicines Control Council, for the control of medicines and Scheduled substances and for matters incidental thereto.”.

16. This Act shall be called the Medicines and Related Substances Control Amendment Act, 1979.

13. Artikel 31 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang—
 „(2) Geen vervolging mag ingestel word as gevolg van 'n toets, ondersoek of ontleiding wat ingevolge die bepalings van artikel agt-en-twintig uitgevoer is nie, tensy 'n afskrif van die ontleider, farmakoloog of patoloog se sertifikaat [**minstens een-en-twintig dae voor die instelling van sodanige vervolging**] aan die persoon wat die beskuldigde gaan wees, oorhandig is of per aangetekende pos aan hom gestuur is.”.

14. Artikel 35 van die Hoofwet word hierby gewysig—
 (a) deur die volgende paragraaf na paragraaf (xxv) van subartikel (1) in te voeg:
 „,(xxvA) aangaande die prosedure wat gevolg moet word vir beskikking oor of vernietiging van 'n gelyste stof wat ingevolge artikel 37A in Bylae 8 ingesluit is, en die inskrywings wat in die betrokke register gedoen moet word;”;
 (b) deur paragraaf (xxviA) van subartikel (1) deur die volgende paragraaf te vervang:
 „,(xxviA) aangaande die prosedure wat gevolg moet word [**indien**] vir beskikking oor of vernietiging van 'n gelyste stof indien so 'n stof onbruikbaar geword het, en die verslag wat ten opsigte daarvan verskaf moet word;”;
 (c) deur die volgende paragraaf na paragraaf (xxvii) van subartikel (1) in te voeg:
 „,(xxviiA) waarby voorgeskryf word die sekuriteitsmaatreëls wat toegepas moet word gedurende die hantering, bering, verwerking en verpakking van 'n medisyne of gelyste stof;”;
 (d) deur paragraaf (xxx) van subartikel (1) deur die volgende paragraaf te vervang:
 „,(xxx) wat die indieningsgeld [**(ten bedrae van hoogstens honderd rand)**] wat aan die registrateur betaal moet word ten opsigte van die aansoek om registrasie van 'n medisyne, die gelde wat aan die registrateur betaal moet word ten opsigte van die registrasie van medisyne, die gelde [**(ten bedrae van hoogstens dertig rand)**] wat jaarliks aan die registrateur betaal moet word ten opsigte van die behoud van registrasie van 'n medisyne en die datum waarop laasgenoemde gelde aldus betaal moet word, voorgeskryf;”.

15. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:
 „Wet

Om voorsiening te maak vir die registrasie van medisynes bestem vir menslike en sekere medisynes bestem vir dierlike gebruik, vir die instelling van 'n Medisynebeheerraad, vir beheer oor medisyne en gelyste stowwe en vir aangeleenthede wat daarmee in verband staan.”.

16. Hierdie Wet heet die Wysigingswet op die Beheer van Kort titel. Medisyne en Verwante Stowwe, 1979.

INHOUD**Departement van Gesondheid****ALGEMENE KENNISGEWINGS****BLADSY**

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