

Bill No.17 of 1964 (L.A.)

PUBLISHED 6TH JUNE, 1964.

LEGISLATURE,
Public Buildings,
Georgetown.
4th June, 1964.

The following Bill which was passed by the Legislative Assembly without amendment on the 3rd of June, 1964, and which will be considered by the Senate, is published for general information.

The original Bill was published in the Gazette on the 23rd of May, 1964.

E. V. VIAPREE,
Acting Clerk of the Legislature.

Bill No. 17 of 1964 (L.A.).

PHARMACY AND POISONS (AMENDMENT) BILL, 1964.

Arrangement of Sections.

Section

1. Short title.
2. Repeal and re-enactment of section 21 of the Principal Ordinance.
3. Amendment of section 22 of the Principal Ordinance.
4. Indemnity.

A BILL

Intituled

An Ordinance to amend the Pharmacy and Poisons Ordinance, 1956.

Enacted by the Legislature of British Guiana:—

A.D. 1964.

1. This Ordinance may be cited as the Pharmacy and Poisons (Amendment) Ordinance, 1964, and shall be construed and read as one with the Pharmacy and Poisons Ordinance, 1956, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short Title.
No. 36 of
1956.

2. Section 21 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and
re-enact-
ment of sec-
tion 21 of
the Principal
Ordinance.

21. (1) Subject to the provisions of this section, a person (including a body corporate) who is not a registered pharmacist carrying on a business which comprises the retail sale of drugs shall be an authorised seller of poisons within the meaning of this Ordinance if the following conditions are complied with —

"Person other than registered pharmacist may be authorised seller of poisons."

- (a) the business must, so far as concerns the keeping, retailing, dispensing and compounding of poisons, be under the management of a manager in relation to whom the following requirements are fulfilled—
 - (i) he must be a registered pharmacist;
 - (ii) in the case of a body corporate, a statement in writing signed by the manager on behalf of the body corporate stating his name and specifying whether or not he is a member of the board of the body corporate must have been sent to the Registrar;
 - (iii) he must not be acting at the time in a similar capacity for any other body corporate;
- (b) in each set of premises where the business is carried on, the business must, so far as concerns the retail sale of drugs, be carried on under the personal control of a registered pharmacist;
- (c) the name and certificate of registration of the person having control of the business as aforesaid,

whether he is the manager or some other person, must be conspicuously exhibited in the premises;

- (d) in each set of premises where the business is carried on, the selling, retailing, dispensing or compounding of drugs or poisons shall be by or under the direct charge and supervision of a registered pharmacist; and
 - (e) no registered pharmacist under whose direct charge and supervision drugs and poisons as aforesaid are sold, retailed, dispensed or compounded shall leave such shop or such part thereof as may be used for selling, retailing, dispensing or compounding such drugs or poisons open during his absence without leaving some registered pharmacist in charge thereof and actually in attendance therein, unless before leaving he puts away and properly secures all poisons named or described in Part I of the Poisons List.
- (2) Notwithstanding the restrictions imposed by the foregoing provisions of this Ordinance on the use of certain titles, emblems and descriptions —

- (a) a body corporate which is an authorised seller of poisons by virtue of the provisions of this section may use the description of Pharmacist, or of Chemist, or of Druggist, or of Dispensing Chemist or Dispensing Druggist, and may use the description of Pharmacy or Drug Store in connection with the business;
- (b) any other person who is an authorised seller of poisons by virtue of the provisions of this section may use the description of Pharmacy or Drug Store in connection with the business, and the name of the registered pharmacist having control of the business together with his description as a registered pharmacist shall be displayed in a conspicuous place on the premises:

Provided that nothing in this subsection shall authorise the use of any of the said descriptions in or on any premises which are for the time being disqualified by virtue of a direction under this section from being registered in the register of premises, or in connection with any business so far as it is carried on in any premises so disqualified.

(3) If —

- (a) a person being an authorised seller of poisons by virtue of the provisions of this section has been convicted of an offence under this Ordinance; or
- (b) anyone employed in carrying on the business by a person (including a corporate body) who is an authorised seller of poisons by virtue of the provisions of this section, or in the case of a corporate body, any member of the Board of management or any officer of that body, has been convicted of any such criminal offence, or been guilty of any such misconduct as, in the opinion of the Board, renders him or would if he were a registered pharmacist render him unfit to be on the register,

the Board may inquire into the case and may, subject to the provisions of this Ordinance, direct —

- (i) that the person shall cease to be an authorised seller of poisons, and be disqualified for such period as may be specified in the direction, from being an authorised seller of poisons; or
- (ii) that any or all of the premises of the person shall be removed from the register of premises

and be disqualified, for such period as may be specified in the direction, from being registered therein.

If the Board thinks fit in any case so to do, it may, either of its own motion or on the application of the person concerned, recommend that any disqualification imposed under this section shall cease:

Provided that where an appeal has been brought to the Supreme Court against a direction involving a period of disqualification any direction under this sub-section for the cesser of any disqualification subsisting by virtue of the direction whether as originally given or as modified by the Supreme Court, shall not take effect unless approved by the Governor."

3. Section 22 of the Principal Ordinance is hereby amended by the insertion of the following subsection as subsection (7) —

Amendment
of section 22
of the Prin-
cipal Ordi-
nance.

"(7) This section shall apply where a person (other than a body corporate) who is an authorised seller of poisons by virtue of subsection (1) of section 21 of this Ordinance, dies or becomes of unsound mind or is adjudged insolvent or enters into any arrangement with his creditors."

4. No suit, prosecution or other legal proceeding shall lie against any person who, prior to the commencement of this Ordinance, purported to act as an authorised seller of poisons in contravention of the provisions of the Principal Ordinance.

Indemnity.

Passed by the Legislative Assembly on the 3rd June, 1964.

E. V. VIAPREE,
Acting Clerk of the Legislature.

(89/19).

(Bill 17/1964(L.A.)).

OBJECTS AND REASONS

Section 20 of the Pharmacy and Poisons Ordinance, 1956, confers the status of an authorised seller of poisons on registered pharmacists, whilst section 21 confers a like status on corporate bodies subject to certain conditions one of which is that the business so far as it concerns the keeping, retailing, dispensing and compounding of poisons must be under the management of a manager who must be a registered pharmacist and the retail sale of drugs so far as it concerns that business must be under his personal control and supervision. Under the provisions of the Ordinance an authorised seller of poisons is allowed to sell all types of drugs and poisons.

2. The Pharmacy and Poisons (Amendment) Ordinance, 1960, relaxed the stringency of the provisions of the Pharmacy and Poisons Ordinance, 1956, to enable certain drugs and poisons which were not considered harmful to be sold by unqualified traders. The amending Ordinance also made it possible for drugs and poisons to be sold in a limited manner at different sets of premises connected with a business comprising the retail sale of drugs without the necessity of having a registered pharmacist at any of those premises.

3. It is considered that there is no justification for according the status of an authorised seller of poisons to a corporate body which fulfils the requirements of the Ordinance and denying it to an individual who is neither a registered pharmacist nor a corporate body but who is prepared to meet the same requirements that are demanded of a corporate body. Clause 2 of this Bill therefore seeks to repeal and re-enact section 21 of the Pharmacy and Poisons Ordinance, 1956, to extend its provisions so as to enable a person who is neither a registered pharmacist nor a corporate body to be an authorised seller of poisons under the provisions of the Ordinance.

4. Clause 3 of the Bill seeks to amend Section 22 of the Pharmacy and Poisons Ordinance, 1956, to enable the business of a person who is not a registered pharmacist but who will be an authorised seller of poisons by virtue of the amendment proposed in clause 2 of the Bill, to be carried on for a limited period by representatives if he dies or becomes of unsound mind or is adjudged insolvent or enters into any arrangement with his creditors.