



**AN BILLE COGAISIOCHTA, 1961.
PHARMACY BILL, 1961.**

*Mar a ritheadh ag Dáil Éireann.
As passed by Dáil Éireann.*

ARRANGEMENT OF SECTIONS.

Section.

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ENACTMENTS REPEALED.



AN BILLE COGAISIOCHTA, 1961.
PHARMACY BILL, 1961.

BILL

entitled

AN ACT TO AMEND AND EXTEND THE ENACTMENTS 5
RELATING TO PHARMACY.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.

1.—In this Act—

1890, c. 48.

“ the Act of 1890 ” means the Pharmacy Act (Ireland), 1875,
Amendment Act, 1890; 10

“ the Council ” means the Council of the Society;

“ licentiate of Apothecaries Hall ” has the meaning assigned to it
by the Principal Act;

“ the Minister ” means the Minister for Health;

1875, c. 57.

“ the Principal Act ” means the Pharmacy Act (Ireland), 1875; 15

“ registered ” means—

(a) in relation to a dispensing chemist and druggist, registered
in the register of dispensing chemists and druggists,

(b) in relation to a druggist, registered in the register of
registered druggists in Ireland, and 20

(c) in relation to a pharmaceutical chemist, registered in the
Register of Pharmaceutical Chemists for Ireland;

“ the Society ” means the Pharmaceutical Society of Ireland.

Keeping of open
shop for dispensing
medical
prescriptions and
sale of poisons.

2.—(1) A person shall not keep open shop for the dispensing or
compounding of medical prescriptions unless— 25

(a) the person is an authorised person and the shop and the
dispensing and compounding of medical prescriptions
therein are personally managed by the person or by an
authorised person, or

(b) the person is— 30

(i) the legal personal representative of a person who at
the time of his death was lawfully keeping open
shop for the dispensing or compounding of
medical prescriptions, or

(ii) the trustee or committee of a person lawfully keep- 35
ing open shop for the dispensing or compounding
of medical prescriptions who is adjudged bankrupt
or becomes an arranging debtor or becomes of
unsound mind,

and the shop and the dispensing and compounding of 40
medical prescriptions therein are personally managed
by an authorised person, or

(c) the person is a body corporate and the shop and the dispensing and compounding of medical prescriptions therein are personally managed by a person who is a registered pharmaceutical chemist, a registered dispensing chemist and druggist or a licentiate of Apothecaries Hall and is employed by the body corporate in a whole-time capacity and is not acting in a similar capacity for any other body corporate or any authorised person or on his own behalf.

(2) A person shall not keep open shop for the sale of poisons unless—

(a) the person is either an authorised person or a registered druggist and the shop is personally managed by the person or an authorised person or a registered druggist, or

(b) the person is—

(i) the legal personal representative of a person who at the time of his death was lawfully keeping open shop for the sale of poisons, or

(ii) the trustee or committee of a person lawfully keeping open shop for the sale of poisons who is adjudged bankrupt or becomes an arranging debtor or becomes of unsound mind,

and the shop is personally managed by an authorised person or a registered druggist, or

(c) the person is a body corporate and the shop is personally managed by a person who is a registered pharmaceutical chemist, a registered dispensing chemist and druggist, a licentiate of Apothecaries Hall or a registered druggist and is employed by the body corporate in a whole-time capacity and is not acting in a similar capacity for any other body corporate, any authorised person or any registered druggist or on his own behalf.

(3) In this section "authorised person" means a registered pharmaceutical chemist, a registered dispensing chemist and druggist, a licentiate of Apothecaries Hall, or a registered medical practitioner who, before the commencement of this section, began a course of study to be gone through for the purpose of obtaining a qualifying diploma, within the meaning of the Medical Practitioners Acts, 1927 to 1961, or a corresponding qualification awarded outside the State and who has passed or passes an examination in pharmacy in order to qualify for the grant of the qualifying diploma or the award of the corresponding qualification outside the State.

(4) This section shall not apply in relation to the keeping of open shop for the sale of poisons by any person or class of persons specified in regulations made under section 14 of the Poisons Act, 1961, where the keeping of open shop is in accordance with the provisions of the regulations.

1961, No. 12.

(5) The Council shall, with the approval of the Minister, make such regulations as the Council thinks appropriate—

(a) for the purpose of giving full effect to and ensuring compliance with the provisions of this section, including provisions requiring—

(i) the keeping of records in relation to premises where open shop is kept for the dispensing or compounding of medical prescriptions or the sale of poisons and in relation to persons employed in such shops, and

(ii) the furnishing of statements and returns,

and

(b) in relation to the keeping of open shop for the

dispensing or compounding of medical prescriptions or the sale of poisons by the persons referred to in paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of this section, including regulations prohibiting the keeping of such open shop by those persons after the expiration of periods specified in the regulations (unless authorised by the Council to do so for periods specified by the Council) and regulations specifying either the same or different such periods for different purposes.

(6) A person who contravenes a provision of this section or of regulations under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued, or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine or fines and such imprisonment.

(7) Where an offence under this or the next following section is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body of persons and is proved to have been so committed with the consent or approval of, or to have been facilitated by any default on the part of, any person being, in the case of a body corporate, a director thereof, or, in the case of an unincorporated body, a member of the committee of management or other controlling authority thereof, that person shall also be guilty of the offence.

(8) Any summons or other document required to be served for the purpose or in the course of proceedings under this or the next following section on a body corporate may be served by leaving it at, or sending it by registered post to, the body at any place in the State at which it conducts its business.

Restriction on
use of certain
titles, emblems
and descriptions.

3.—(1) A person shall not take or use the name or title of pharmaceutical chemist, either alone or in combination with any other word or letters, or take or use any name, title, addition, description or certificate implying that he is registered in the Register of Pharmaceutical Chemists for Ireland or is recognised by law as being so registered, unless he is so registered.

(2) A person shall not take or use the name or title of dispensing chemist and druggist, either alone or in combination with any other word or letters, or take or use any name, title, addition, description or certificate implying that he is registered in the register of dispensing chemists and druggists or is recognised by law as being so registered, unless he is so registered.

(3) A person shall not take or use the name or title of registered druggist either alone or in combination with any other word or letters, or take or use any name, title, addition, description or certificate implying that he is registered in the register of registered druggists in Ireland or is recognised by law as being so registered, unless he is so registered.

(4) A person shall not use in connection with any business a title, emblem or description reasonably calculated to suggest that he or a person employed in the business possesses a particular qualification with respect to the selling, dispensing or compounding of drugs or poisons unless he or the person so employed, as the case may be, possesses the qualification.

(5) For the purposes of subsection (4) of this section, the use of any of the following descriptions, namely, pharmacy, medical stores, drug stores, drug hall, medical supply stores, chemist, in connection with a business carried on in any premises and consisting of or including the selling by retail of drugs or poisons shall be deemed to be reasonably calculated to suggest that the person managing and conducting the business on those premises is a registered pharmaceutical chemist, a registered dispensing chemist and druggist or a registered druggist.

(6) A person who contravenes any of the preceding subsections of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds, together with, in the case of a continuing offence, a further fine not exceeding four pounds for each day on which the offence is continued.

(7) This section shall not apply in relation to the use by a licentiate of Apothecaries Hall who keeps open shop for the dispensing or compounding of medical prescriptions or the sale of poisons of the description of medical hall in respect of the premises where the dispensing or compounding or the sale is carried on.

4.—(1) The Council may, in accordance with regulations made by the Council with the approval of the Minister, provide or make provision for the courses of training and examinations to be taken by candidates for registration in any of the registers maintained by the Society and the regulations may specify the manner in which and the conditions under which training shall be provided and may, in particular, provide—

Regulations for courses of training and examinations for candidates for registration.

(a) for the approval by the Council for the purposes of the regulations of lecturers, teachers and examiners,

(b) for the conditions of admission to the examinations,

(c) for the recognition and approval by the Council of courses of study and training and of examinations of institutions or bodies other than the Society where the Council are satisfied that the institutions or bodies are suitable for the provision of such courses or the holding of such examinations,

(d) that the institutions or bodies referred to in paragraph (c) of this subsection shall comply with requirements specified in the regulations before recognition of their courses or examinations is granted by the Council,

(e) for the granting of certificates to persons taking the courses and passing the examinations.

(2) On the commencement of regulations under this section—

(a) section 21 of the Principal Act shall cease to have effect, and

(b) the reference in section 22 of the Principal Act to the provisions of that Act shall be construed and have effect as a reference to the provisions of regulations under this section.

5.—The Council may, in accordance with regulations made with the approval of the Minister, cause to be registered in the Register of Pharmaceutical Chemists for Ireland a person who applies for such registration and shows to the satisfaction of the Council that he has undergone, outside the State, such courses of training and passed such examinations as are specified for the purpose in the regulations.

Foreign qualifications.

6.—(1) The Council may charge fees for any registration, restoration to a register, certificate, course of instruction provided by the Council or examination conducted by the Council, which is authorised by or under the enactments relating to pharmacy.

Charging of fees by the Council.

(2) The Council may charge entrance fees in respect of elections to membership of the Society under section 6 of the Principal Act and may charge annual fees in respect of membership of the Society.

(3) The Council may charge annual fees in respect of the retention on registers maintained by the Society of persons who are not members of the Society.

(4) The amount of any fee under this section shall be such amount as may from time to time be determined by the Council with the consent of the Minister, and fees of different amounts may be determined in respect of the retention on registers maintained by the Society of persons referred to in *subsection (3)* of this section who keep open shop for the dispensing or compounding of medical prescriptions or the sale of poisons or are employed in a shop so kept and of such retention of persons referred to in the said *subsection (3)* other than those aforesaid. 5

(5) Payment of the appropriate fee under this section shall be a condition precedent to the entertainment of any application by the Council for any registration, restoration to a register or certificate, or for admission to any course of instruction or examination which is authorised by or under the enactments relating to pharmacy. 15

1961, No. 12. (6) References in *section 2* and *subsection (5)* of *section 3* of this Act and in *section 14* of the Poisons Act, 1961, and the regulations under the said *section 14* to any of the following persons, namely, a registered pharmaceutical chemist, a registered dispensing chemist and druggist and a registered druggist, shall be deemed not to include references to any such person in respect of whom a fee payable pursuant to *subsection (3)* of this section is due and unpaid. 20

Fellowship of the Society.

7.—The Council may confer on any person registered in a register maintained by it the title of Fellow of the Pharmaceutical Society of Ireland or such other title as may be specified by regulations made by the Council with the approval of the Minister. 25

Restriction of section 22 of the Principal Act.

8.—So much of *section 22* of the Principal Act as provides for the registration of licentiates of Apothecaries Hall as pharmaceutical chemists shall cease to have effect— 30

- (a) as respects persons who, at the commencement of this section, are licentiates of Apothecaries Hall, on the 31st day of December, 1963,
- (b) as respects persons who, before the 31st day of December, 1962, are registered in the Apothecaries Hall as students of the Hall, on the 31st day of December, 1970, 35
- (c) as respects any other persons, on the 31st day of December, 1962.

Amendment of section 28 of the Principal Act.

9.—*Section 28* of the Principal Act is hereby amended by the insertion after “ twelve months ” of “ or to be fined an amount not exceeding one hundred pounds ”. 40

Repeals.

10.—(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. 45

(2) Regulations made pursuant to paragraphs (2) and (6) of *section 16* of the Principal Act and in force at the commencement of this section shall continue in force and be regarded as having been made under the corresponding provisions of this Act, and they shall be capable of being amended or revoked accordingly. 50

Short title, construction, collective citation and commencement.

11.—(1) This Act may be cited as the Pharmacy Act, 1962.

(2) The Principal Act, the Act of 1890, the Pharmacy Act, 1951, and this Act shall be construed together as one Act and may be cited together as the Pharmacy Acts, 1875 to 1962.

1951, No. 30.

(3) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions. 55

SCHEDULE.

Section 10

ENACTMENTS REPEALED.

Section and Chapter or Number and Year	Short Title	Extent of Repeal
38 & 39 Vict., c. 57.	Pharmacy Act (Ireland), 1875.	Paragraphs (2) and (6) of section 16; sections 23, 30 and 32.
53 & 54 Vict., c. 48.	Pharmacy Act (Ireland), 1875, Amendment Act, 1890.	Sections 15 to 18.
No. 30 of 1951.	Pharmacy Act, 1951.	Sections 4 and 5.

BILLE

dá ngairtear

Acht do leasú agus do leathnú na n-achtachán a bhaineann le cógaisíocht.

An tAire Sláinte a thug isteach.

Rite ag Dáil Éireann, 5 Aibreán, 1962.

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais
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[*Luach : Naoi bPingne Glan.*]

BILL

entitled

An Act to amend and extend the enactments relating to pharmacy.

Introduced by the Minister for Health.

Passed by Dáil Éireann, 5th April, 1962.

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