

(Approved for reprint 27th August, 1956.)

WESTERN AUSTRALIA.

PHARMACY AND POISONS ACT COMPILATION ACT, 1910.

1° Geo. V. No. VII.

No. 7 of 1910.

As amended by Acts No. 51 of 1937 (a), No. 66 of 1948 (b), No. 10 of 1952 (c), and No. 56 of 1954 (d), and reprinted pursuant to the Amendments Incorporation Act, 1938.

In this reprint the numbering of sections, parts, etc., as adopted in the 1939 reprint Δ is retained.

AN ACT compiling certain Acts of Parliament relating to Pharmacy and the Sale of Poisons.

[Assented to 22nd December, 1910.]

WHEREAS by resolution of the Legislative Council Preamble.
passed on the third day of August, one thousand nine hundred and nine, it was resolved that the Pharmacy and Poisons Act, 1894, and its amendments be compiled in accordance with the Statutes Compilation Act, 1905: And whereas such resolution was, on the eighth day of September, one thousand nine hundred and nine, concurred in by the Legislative Assembly: And whereas the compiled Act set forth in Appendix B has been certified under the hand of the Attorney General as being a true and correct compilation of the Pharmacy and Poisons Act, 1894, and the amendments thereof specified in Appendix A: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the *Pharmacy and Poisons Act Compilation Act, 1910.* Short title.

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- (a) Assented to 18th January, 1938.
 - (b) Assented to 21st January, 1949.
 - (c) Assented to 4th November, 1952.
 - (d) Assented to 23rd December, 1954.

Δ i.e., the reprint of the Pharmacy and Poisons Act, 1910-1937, as published in Vol. 1 of the Reprinted Acts of the Parliament of Western Australia, 1939.

Repeal.
5 Edw. VII.,
No. 15, s. 4.

2. The Acts specified in Appendix A are hereby repealed, and in lieu thereof the compiled Act set forth in Appendix B is hereby enacted under the title of "The Pharmacy and Poisons Act, 1910."

Appoint-
ments, etc.,
continued.

3. In the construction of the compiled Act the Acts hereby repealed shall be deemed to have been repealed by the compiled Act, and such compiled Act shall, from the passing of this Act and until other provision is made, apply to the persons, things, and circumstances appointed or created by and existing or continuing under the Acts hereby repealed, as if the same had been appointed or created or were existing under the compiled Act.

Saving of
other enact-
ments.

4. For the purpose of preserving implied repeals and statutory modifications every provision in the compiled Act shall be construed subject to any enactment to which at the passing hereof such provision was subject in the Act from which it has been compiled.

APPENDICES.

APPENDIX A.

Acts repealed.

58 Vict., No. 35. Pharmacy and Poisons Act, 1894.

63 Vict., No. 36. Pharmacy and Poisons Act Amendment Act, 1899.

3 Edw. VII., No. 8. Pharmacy and Poisons Act Amendment Act, 1903.

APPENDIX B.

"THE PHARMACY AND POISONS ACT, 1910-1954."

Analysis.

Part I.—Preliminary.

Sec.

1. (1) Short title.
- (2) First Schedule.
- (3) Council responsible for administration of Act.
2. Division of Act.
3. Interpretation.

Part II.—The Pharmaceutical Society of Western Australia.

4. Constitution of Society.
5. Constitution of Council.
6. Council a corporate body. Power of Council in relation to land.
7. Election of Council.
8. Removal of members of Council.
9. Election to fill vacancy occurring in Council.
10. (1) Meetings of the Council. Number of votes of members.
- (2) Quorum of Council.
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11. (1) Council may appoint officers.
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Part III.—The Pharmaceutical Register of Western Australia.

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14. (1) List of pharmaceutical chemists to be published.
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15. Fees for registration and examination.
16. License to practise as a pharmaceutical chemist.
17. Chemists not to carry on business in more than two places of business concurrently.
18. Necessary alterations to be made in register.
19. Change of address or death of pharmaceutical chemist to be notified.
- 19A. Notice of engagement of pharmaceutical chemist.
20. Pharmaceutical chemist may be struck off register, suspended or censured.

Part IV.—Registration of Pharmaceutical Chemists.

21. Qualification to be registered as pharmaceutical chemist. Third Schedule.
22. (1) Manner of application. Fourth Schedule.
- (2) Declaration to be supported by certificate.
- 22A. Provisions relating to apprentice.
23. Council may direct examinations.
24. Council may grant or refuse certificates.

Part V.—Sale of Poisons.

Sec.

25. Definition of Poisons. Fifth Schedule.
26. Not to be sold by unlicensed persons.
27. Dealers in poison other than pharmaceutical chemists.
28. Conditions precedent to grant of license to sell poisons.
29. License to sell poison not to be issued in name of a company or friendly society.
30. Application for license to sell poison.
31. Licensed persons to observe certain conditions.
 - (a) Manner of keeping poisons.
 - (b) Particulars of sale to be kept. Eighth Schedule.
 - (c) Particulars of sales effected by correspondence.
 - (d) Signature of witness to be obtained.
 - (e) Refuse to sell in certain cases.
32. Licensed person to produce on demand the book required by section 31 to be kept.
33. Signature of purchaser by correspondence to be proved.
34. Container immediately containing poison or poisonous substance to be marked in manner prescribed.
35. Arsenic and strychnine must be coloured.
36. Repealed by Act No. 66 of 1948.
37. Prohibition against sale of poison or the hawking or peddling of poison in a street or public place or from house to house.
38. (1) Penalties in respect of keeping and sale of poisons.
- (2) "Person" to include assistant or apprentice.
39. Owner of poisons not to leave them about unlabelled, under a penalty.
40. Cancellation of certificate of dealer in poisons.
41. Certain sections of Act not applicable in specified cases.
42. Sales of certain poisonous substances except by licensed persons prohibited.
- 42A. Obligations with respect to poison or poisonous substances mentioned in Ninth Schedule.
43. Sales of drugs and medicines by means of automatic machines prohibited.

Part VA.—Sale of Certain Drugs.

- 43A. Drugs or preparations referred to in Tenth, Eleventh and Twelfth Schedules not to be sold, except by such persons and subject to such conditions as are prescribed.
- 43B. (1) Tenth, Eleventh and Twelfth Schedules may be amended.
- (2) Notice of amendment to Tenth, Eleventh and Twelfth Schedules to be advertised in Gazette.
- 43C. Exemption of certain wholesale dealings.

Analysis—continued.

Part VI.—Miscellaneous.

- | Sec. | Sec. |
|--|---|
| 44. Penalties for contravention of the Act. | 53. (1) Regulations. |
| 45. (1) Business of pharmaceutical chemist to be carried on by the principal or a qualified assistant. | (a) Meetings of the Council and conduct of business. |
| (2) Chemists and persons licensed to sell poisons to have their names painted up. | (b) Election of Council and President. |
| (3) Offence. | (c) License fees and examination and registration fees. |
| 46. Penalty on fraudulent registration, etc. | (d) Prescribing subjects of examination. |
| 47. Evidence under ss. 44 and 45. | (e) What pharmacy institutions to be recognised. |
| 48. Offences and procedure. | (f) Issue, cancellation, and suspension of licenses. |
| 49. (1) Proceedings to be commenced within six months. | (g) Appeals. |
| (2) No <i>certiorari</i> . | (h) Forms. |
| 50. Repealed by Act No. 66 of 1948. | (i) License fees. |
| 51. Repealed by Act No. 66 of 1948. | (j) Manufacture, storage, safe custody, and sale of poisons. |
| 52. Repealed by Act No. 66 of 1948. [Transposed as s. 6(6) of this reprint.] | (k) Colouring of poisons. |
| 52A. General penalty. | (l) Containers or packages. |
| | (m) Containers to have printed thereon name of remedy to counteract poison. |
| | (n) Inspection of books and documents. |
| | (o) General. |
| | (p) Penalty for breach of regulation. |
| | (2) Publication of regulations. |
| | (3) Evidence. |

PHARMACY AND POISONS ACT 1910-1954.

AN ACT to compile certain Acts relating to
Pharmacy and the Sale of Poisons.

BE it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. (1) This Act may be cited as the *Pharmacy and Poisons Act, 1910-1954.*

Short title.
No. 7 of 1910,
s. 1,
amended by
No. 56 of 1954,
s. 1 (3).

(2) This Act is a compilation of the Acts mentioned in the First Schedule hereto.

First
Schedule.

(3) Subject to the Minister, and the provisions of this Act, the Council shall be responsible for the administration of this Act.

Inserted by
No. 66 of
1948, s. 3.

2. This Act is divided into six Parts, as follows:—

PART I.—PRELIMINARY: ss. 1-3.

PART II.—THE PHARMACEUTICAL SOCIETY OF
WESTERN AUSTRALIA: ss. 4-12.

PART III.—THE PHARMACEUTICAL REGISTER OF
WESTERN AUSTRALIA: ss. 13-20.

PART IV.—REGISTRATION OF PHARMACEUTICAL
CHEMISTS: ss. 21-24.

PART V.—SALE OF POISONS: ss. 25-43.

PART VA.—SALE OF CERTAIN DRUGS: ss. 43A-43C.

PART VI.—MISCELLANEOUS: ss. 44-53.

Division of
Act.
No. 7 of 1910,
s. 2,
amended by
No. 66 of 1948,
s. 4.
Cf. 58 Vict.,
No. 35, s. 1.

Interpretation.
No. 7 of 1910,
s. 3.
Cf. 58 Vict.,
No. 35, s. 5.
Inserted by
No. 51 of
1937, s. 2.

3. In the construction of this Act, except where the subject matter or the context otherwise indicates:

“Automatic machine” means any machine or mechanical device used or capable of being used for the purpose of selling or supplying goods without the personal manipulation or attention of the seller or supplier or his employee or other agent at the time of the sale or supply.

No. 51 of
1937, s. 2.

“Company” means any company registered under the provisions of the Companies Act, 1893,† or any Act amending the same.

“Council” means the Council of the Pharmaceutical Society of Western Australia.

“Gazette” means the *Government Gazette* of Western Australia.

No. 66 of 1946,
s. 5 (a).
Cf. No. 36 of
1894, Iss. 3
and 19,
Vol. 2 of 1943
reprint.

“Medical practitioner” means a person registered pursuant to the provisions of the Medical Ordinance, 1869, or the Medical Act, 1894-1946;‡

“Pharmaceutical chemist” means a pharmaceutical chemist registered under the provisions of this Act, or of the Acts of which this Act is a compilation.

“Register” means the Pharmaceutical Register of Western Australia.

“Regulations” means the regulations made under this Act, or the Acts of which this Act is a compilation.

No. 51 of
1937, s. 2.

“Sale” includes exposing or offering for sale or having in possession for sale and also delivery, whether with or without consideration, in any shop or store or premises appurtenant thereto by the keeper thereof or by his servant or agent; and the verb “to sell” has a corresponding meaning.

† Now Companies Act, 1943-1954. See No. 2 of 1954, s. 1 (3).

‡ Now Medical Act, 1894-1952. See No. 65 of 1952, s. 1 (3).

“State” means the State of Western Australia.

“Veterinary surgeon” and “veterinary practitioner” mean a person whose name appears as that of veterinary surgeon or veterinary practitioner, respectively, in the Veterinary Register of Western Australia, kept pursuant to the provisions of the Veterinary Act, 1911;

Inserted by
No. 66 of 1948,
s. 5 (b).
Cf. 51 of
1911 as
amended by
46 of 1923,
ss. 2 and 25.

“Wholesale dealing” means sale or supply by any wholesale dealer in the ordinary course of wholesale business—

Inserted by
No. 66 of 1948,
s. 5 (c).

of poisons, poisonous substances or preparations, narcotic, dangerous, or potent drugs, or other substances, or preparations, to which the provisions of this Act apply—

to any person—

- (a) who is licensed or otherwise expressly authorised by, or pursuant to the provisions of this or any other Act, to acquire, sell or supply any of those things;
- (b) who is not so licensed or authorised but who—
 - (i) acquires any of those things in bulk quantities, for use, other than resale, or supply, by retail, in connection with any profession, business, trade or industry;
 - (ii) acquires any of those things with the council's written authority for use in connection with any public institution authorised by proclamation to acquire the thing for that use.

**PART II.—THE PHARMACEUTICAL SOCIETY OF
WESTERN AUSTRALIA.**

**Constitution
of Society.**
No. 7 of 1910,
s. 4.
Cf. 58 Vict.,
No. 35, s. 6.

4. The Pharmaceutical Society already established in the State shall be the Pharmaceutical Society of Western Australia, and may retain that name and title, and all pharmaceutical chemists, within the meaning of this Act, shall be members thereof.

**Constitution
of Council.**
No. 7 of 1910,
s. 5.
Cf. 58 Vic.,
No. 35, ss. 7,
8.

5. (1) For the management of the said society there shall be a Council, to consist of a president and six other members, under the style of "The Council of the Pharmaceutical Society of Western Australia."

(2) The members of the Council holding office at the commencement of this Act shall, subject to this Act, continue to hold office until the expiration of the period for which such members were elected, that is to say until the thirty-first day of March, one thousand nine hundred and thirteen.

**Council a
body corpor-
ate.**

6. (1) The Council, under the style aforesaid, shall be a body corporate, with the perpetual succession, and a common seal, and shall be capable of suing and being sued in its corporate name, and of acquiring, holding, and disposing of real and personal property.

**Power of
Council in
relation to
land.**
Inserted by
No. 51 of
1937, s. 3,
as s. 5A;
renumbered
s. 6 in 1939
reprint*.

(2) The Council shall be deemed to have the powers of an institution within the meaning of the Public Institutions and Friendly Societies Lands Improvement Act, 1892, and may exercise in respect of lands vested in the Council such powers as are thereby given to institutions:

Provided that the portions of the said Act requiring the concurrence of three-fourths of the members of an institution shall for the purposes of this Act be deemed to be eliminated.

(3) The Council shall also have power, subject to subsection (5) hereof, to sell, lease, or exchange any lands vested in it, and to pay or receive money by way of equality of exchange.

(4) The powers of selling, exchanging, mortgaging, or leasing lands which are conferred upon the Council by this Act shall extend to land held in trust for any special purpose, notwithstanding the terms of the trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the like trusts, so far as may be, as the land so disposed of.

(5) No power conferred by subsections (2), (3), or (4) of this section shall be exercised by the Council without the consent of the Governor.

(6) The Council may promote, establish and maintain or assist in the promotion, establishment and maintenance of schools of pharmacy or courses of instruction for pharmaceutical students, and may use the funds of the Council for those purposes.

Amended by transposition of s. 52 of 1939 reprint* as s. 6 (6).
See No. 51 of 1937, s. 20.

7. (1) At the expiration of the term, for which members of the Council in office at the commencement of the Pharmacy and Poisons Act Amendment Act, 1948, are elected—

Election of council.
Substituted by No. 66 of 1948 s. 7 for s. 7 of 1939 reprint*.
See No. 77 of 1910, s. 7, 58 Vict., No. 35, s. 9.

(a) pharmaceutical chemists may elect, in the manner and for such term or varying terms and subject to such conditions as to eligibility for and tenure of office, as shall be prescribed, seven of their number to form the Council; and

(b) the members of the Council formed pursuant to the provisions of the last preceding paragraph, shall elect, as often as shall be necessary, for such term and subject to such conditions as to eligibility and tenure of office as shall be prescribed, one of their number to the office of president.

* See footnote Δ on page 1 of this reprint.

(2) The provisions of this section shall not affect the validity of the constitution or the powers or functions of the Council in office at that commencement, or the term of office of its members.

Removal of members of council.
No. 7 of 1910, s. 7; renumbered s. 3 in 1939 reprint*.
Cf. 58 Vict., No. 35, s. 10.

8. The Governor may, from time to time, remove the president or any other member of the Council.

Election to fill vacancy occurring in council.
No. 7 of 1910, s. 8; renumbered s. 9 in 1939 reprint*.
Cf. 58 Vict., No. 35, s. 11.

9. If any member of the Council dies, resigns, is removed, or is absent from the State for three months without the leave of the council, the pharmaceutical chemists may, in manner prescribed by the regulations, elect thereto any pharmaceutical chemist, and the person so elected shall hold office for the residue of the term during which the member of the council, in lieu of whom he has been elected, would have held office, and no longer.

Meetings of the Council.
Number of votes of members.
Cf. 58 Vict., No. 35, s. 12; No. 7 of 1910, s. 9; renumbered s. 10 in 1939 reprint.

10. (1) At every meeting of the Council each member, including the president, shall have one vote, and the president shall, in case of an equality of votes, have a casting vote in addition to his ordinary vote, and all questions at any meeting of the Council shall be decided by a majority of the votes of the members present.

Quorum of Council.

(2) A quorum of the Council shall consist of not fewer than four members thereof, and in the absence of the president from any meeting of the Council the members present may elect one of their number to be chairman of the meeting.

Proceedings of Council not invalidated by reason of vacancies.

(3) No action or proceedings of the Council shall be invalidated by reason of the existence of any vacancy or vacancies therein, provided that the number of members be not reduced below four.

* See footnote Δ on page 1 of this reprint.

11. (1) The Council may appoint a registrar, and any other officer necessary for carrying out the provisions of this Act, and may remove any of such officers at any time.

Council may appoint officers.
Cf. 58 Vict., No. 35, s. 13.
No. 7 of 1910, s. 10
renumbered s. 11 in 1939 reprint.

(2) The Council may, in its own name, by its registrar or any person thereunto authorised in writing under the hand of the president, commence, carry on, prosecute, and defend any action, complaint, information, or proceeding whatsoever, both civil and criminal. Every court of law shall take judicial notice of the signature of the president to any such authorisation.

Council may sue.

12. (1) The president or any member of the Council may examine or question any person attending, or giving evidence before the Council, and may administer an oath to, or take a solemn declaration from, such persons.

Council may examine upon oath, etc.
Cf. 58 Vict., No. 35, s. 14.
No. 7 of 1910, s. 11; renumbered s. 12 in 1939 reprint*.

(2) If any such person wilfully or knowingly makes any false statements upon such examination or in such declaration, or utters, or attempts to utter, or puts off as true any false, forged, or counterfeit diploma, degree, license, certificate, or other document or writing, such person shall be guilty of a misdemeanour, and, on conviction thereof, shall be liable to be imprisoned for any term not exceeding two years with or without hard labour, or may be dealt with under any other law applicable to his offence.

Penalty for false statement or declaration, etc.

PART III.—THE PHARMACEUTICAL REGISTER OF WESTERN AUSTRALIA.

13. The Council shall, upon the application of any person entitled to be registered as a pharmaceutical chemist under this Act, register the name of the applicant, together with his residence or place of business, his qualification and the date of such registration, in a register to be kept by the

Council to keep register.
No. 7 of 1910, s. 12;
renumbered s. 13 in 1939 reprint.
Cf. 58 Vict., No. 35, s. 15.

* See footnote Δ on page 1 of this reprint.

Second
Schedule.

Council for that purpose in the form contained in the Second Schedule to this Act, or to the like effect, and such register shall be called "The Pharmaceutical Register of Western Australia."

List of pharmaceutical chemists to be published. No. 7 of 1910, s. 13; renumbered s. 14 in 1939 reprint. Cf. 58 Vict., No. 35, s. 16.

14. (1) The Council shall, in the month of January in every year, cause to be printed, published, and offered for sale, at a reasonable price, a correct list of all pharmaceutical chemists in alphabetical order according to their surnames, with their respective residences or places of business, and shall cause such list to be published at the same time in the *Gazette*.

Copy of *Gazette* to be evidence.

(2) A copy of the *Gazette* containing any such list shall be *prima facie* evidence in all courts of justice, and in all legal proceedings whatsoever, that the persons specified in such list are qualified and registered according to the provisions of this Act, and the absence of the name of any person from such list shall be *prima facie* evidence that such person is not a pharmaceutical chemist.

Inserted by No. 66 of 1948, s. 8.

(3) A certificate under the hand of the registrar certifying that a person is duly qualified and registered according to the provisions of this Act shall be *prima facie* evidence in all courts of justice and in all legal proceedings that the person is so qualified and registered.

Fees for registration and examination. No. 7 of 1910, s. 14; renumbered 15 in 1939 reprint. Cf. 58 Vict., No. 35, s. 17.

15. The fees for registration as a pharmaceutical chemist, or for any examination required by this Act, shall be such as from time to time are prescribed by the regulations, and shall be paid to the Council previously to any such registration or examination.

License to practise as a pharmaceutical chemist. Inserted by No. 51 of 1937, s. 4, as s. 14A; renumbered s. 16 in 1939 reprint*. Amended by No. 10 of 1952, s. 2.

16. (1) No pharmaceutical chemist shall practise or carry on business as a pharmaceutical chemist, or either as agent, employee, or otherwise be engaged with any other person in the practice or business of a pharmaceutical chemist, except

* See footnote Δ on page 1 of this reprint.

under the authority of a license from the Council as prescribed by the regulations and unless he is domiciled in the State.

Penalty: Fifty pounds.

(2) An application for a license under this section shall be made in the prescribed manner, and shall be accompanied by the prescribed fee, which shall not exceed twenty-one shillings, and every license under this section shall be in the prescribed form.

(3) An applicant whose application is refused by the Council may appeal against such refusal. Such appeal shall be made in the prescribed manner to the Governor, who may by order in council direct the Council to grant the license applied for.

(4) Every license issued under this section shall, unless cancelled, remain in force until the thirtieth day of June next ensuing after the date of the issue thereof.

(5) Any registered pharmaceutical chemist convicted of an offence under subsection (1) hereof shall be liable, at the discretion of the Council, to have his name erased from the register for such period and subject to such conditions as the Council may determine:

Provided that an appeal may be made in the prescribed manner to the Governor against the decision of the Council, and the Governor, on such appeal, may affirm, set aside, or vary the decision appealed against.

17. No pharmaceutical chemist, whether holding a license under section sixteen of this Act or not, shall practise or carry on business as a pharmaceutical chemist or druggist or either as agent, employee, or otherwise be engaged with any other person in such practice or business in more than two places of business concurrently.

Chemists not to carry on business in more than two places of business concurrently. Inserted by No. 51 of 1937, s. 4, as s. 14B; renumbered s. 17 in 1939 reprint*.

Penalty: Fifty pounds.

* See footnote Δ on page 1 of this reprint.

Necessary alterations to be made in register. No. 7 of 1910, s. 15; renumbered s. 18 in 1939 reprint*. Cf. 58 Vict., No. 35, s. 18.

18. The Council shall from time to time make all necessary alterations in the register relating to the qualifications and addresses of pharmaceutical chemists, and may write or cause to be written a letter addressed to any pharmaceutical chemist, according to his last known address, to inquire whether he has changed his residence or place of business. Such letter shall be registered, and if no answer be returned to such letter within the period of six months from the sending thereof, the Council may erase the name of such pharmaceutical chemist from the register, and shall restore the same to such register upon the personal application of such pharmaceutical chemist and production of his certificate or satisfactory proof of his former registration, and payment of all fees in arrear.

Change of address or death of pharmaceutical chemist to be notified. No. 7 of 1910, s. 16; renumbered s. 19 in 1939 reprint*. [Cf. 58 Vict., No. 35, s. 19.]

19. Every pharmaceutical chemist on changing his place of residence, business, or employment, shall notify the change at the time and in the manner prescribed to the Council, and the Registrar General of Western Australia, on receiving information of the death of any pharmaceutical chemist, shall forthwith transmit notice thereof by post to the registrar of the Pharmaceutical Society of Western Australia, and on receipt of such notice such registrar shall inform the Council thereof, and the Council shall remove the name of such chemist from the register.

Notification of engagement of pharmaceutical chemist. Inserted by No. 10 of 1952, s. 3 as 19A.

19A. A pharmaceutical chemist who is engaged to take charge of a pharmacy for a period exceeding three days during which the pharmacy is open for business, and the person so engaging him shall, in the time and manner prescribed by the regulations, notify the Registrar of the engagement.

* See footnote Δ on page 1 of this reprint.

20. (1) [Deleted by No. 66 of 1948, s. 10 (a).]

(1a) If—

in the opinion of the Council a pharmaceutical chemist is guilty of impropriety, misconduct, or infamous conduct in a professional respect—

Pharmaceutical chemist may be struck off register, suspended, or censured. Inserted by No. 66 of 1948, s. 10 (b). Cf. No. 7 of 1910, s. 17.

or—

is convicted of any offence, which, in the opinion of the Council renders him unfit to practice as a pharmaceutical chemist—

or—

is addicted to alcohol or any deleterious drug to a degree, which renders him unfit so to practise—

the Council may serve upon him a notice requiring him to attend before the Council at a specified time and place to show cause why he should not be dealt with in accordance with the appropriate provisions of the next succeeding subsection, and specifying the Council's opinion and the grounds of the opinion in sufficient particularity to enable him to show cause.

(1b) If a pharmaceutical chemist, upon whom a notice is served pursuant to the provisions of the last preceding subsection, fails to show cause to the satisfaction of the Council why it should not do so, the council may—

- (a) order that his name be erased from the register and so erase his name accordingly;
- (b) order that he be suspended from practising as a chemist for a period not exceeding twelve months;
- (c) order him to pay any costs or expenses of and incidental to the inquiry;
- (d) censure him;
- (e) require him to give such undertaking as as it considers just;

Inserted by
No. 51 of
1937, s. 5.
Amended by
No. 66 of 1948,
s. 10 (c).

(2) When the name of a pharmaceutical chemist has been erased from the register as provided for in the last preceding subsection, any license issued to him under section sixteen of this Act shall be deemed to be thereby cancelled.

Inserted by
No. 51 of
1937, s. 5.

(3) Provided that the Council may at any time after the name of a pharmaceutical chemist has been erased from the register as aforesaid, subject to the regulations and upon payment of the prescribed fee, reinstate the name of such pharmaceutical chemist in the register, and thereupon the license under section sixteen aforesaid, deemed to have been cancelled by virtue of subsection (2) hereof, shall again become of full force and effect, unless it shall have expired by effluxion of time.

Inserted by
No. 66 of 1948,
s. 10 (d).

(4) When any costs are ordered to be paid by any pharmaceutical chemist under the provisions of this section, those costs shall be recoverable as a debt due by him to the Council in any court of competent jurisdiction.

Inserted by
No. 66 of 1948,
s. 10 (d).

(5) No person shall employ a person whose name is erased from the register under the provision of this section, in any capacity in the business or at the address at which the latter is carrying on business or is employed when his name is so erased.

Inserted by
No. 66 of 1948,
s. 10 (d).

(6) The Council may erase from the register the name of any pharmaceutical chemist, who, after adequate inquiry, it considers is unfit by reason of physical or mental incapacity, to practise as a pharmaceutical chemist.

Inserted by
No. 66 of 1948,
s. 10 (d).

(7) The proceedings of the Council in the exercise of any of the powers conferred upon it by this section, shall be in accordance with regulations prescribed, and until prescribed, the Council shall regulate its own proceedings.

Inserted by
No. 66 of 1948,
s. 10 (d).
Cfs. 16 (3)
ante and
s. 42 (5) post.

(8) Any person, who is aggrieved by any decision of the Council made pursuant to the powers conferred upon it by the provisions of subsections (1b) and (6) of this section may appeal within the time and in the manner prescribed against the decision, to a Magistrate, who may affirm, set aside, or vary it.

PART IV.—REGISTRATION OF PHARMACEUTICAL CHEMISTS.

21. Any person may obtain from the Council a certificate, in the form contained in the Third Schedule, that he has been duly registered as a pharmaceutical chemist, if he has attained the age of twenty-one years, and

Qualification to be registered as pharmaceutical chemist. Third Schedule. See 58 Vict., No. 35, s. 21; 63 Vict., No. 36, s. 3. No. 7 of 1910, s. 18; renumbered s. 21 in 1939 reprint*.

- (a) Is a member of the Pharmaceutical Society of Western Australia at the time of the passing of this Act; or
- (b) For at least four years has served as an apprentice in the business of a chemist and druggist or pharmaceutical chemist in any State of the Commonwealth, or in the Dominion of New Zealand, in the keeping of open shop for the compounding and dispensing of prescriptions of legally qualified medical practitioners, and has passed all examinations prescribed by the regulations or examinations which, in the opinion of the Board, are equivalent thereto; or
- (ba) has in special circumstances proved to the satisfaction of the Council to exist, completed some other course of training approved by the Council, and has passed an examination or examinations prescribed or approved by the Council; or

Inserted by No. 10 of 1952, s. 4 (a).

- (c) Holds a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist from any society, college, or board of pharmacy recognised by the regulations which certificate or diploma was issued to him to show that he has passed an examination conducted in the English language and of a standard which in the opinion of the Council is substantially equivalent to that prescribed for the registration of a pharmaceutical chemist in the State.

Amended by No. 10 of 1952, s. 4 (b).

* See footnote Δ on page 1 of this reprint.

Manner of application, See 58 Vict., No. 35, s. 22. No. 7 of 1910, s. 19; renumbered s. 22 in 1939 reprint*.
Fourth Schedule.

22. (1) Any person applying for registration under qualification (b) must take a declaration, in the form contained in the Fourth Schedule, before a justice of the peace, and forward the same to the Council, and shall produce his certificate that he has passed the examinations required by this Act.

Declaration to be supported by certificate.

(2) Such declaration shall be accompanied by a certificate of the chemist and druggist, or pharmaceutical chemist to whom the applicant has been apprenticed, in the form as contained in the Fourth Schedule.

(3) Any person applying for registration under qualification (c) shall annex to his application the certificate or diploma entitling him to apply, for the inspection of the Council.

Provisions relating to apprentice. Inserted by No. 51 of 1937, s. 20 as 42A; renumbered s. 51 in 1939 reprint*, and by No. 66 of 1948, s. 11 transposed as s. 22A.

22A. No contract of apprenticeship shall be recognised or have any force or effect in law unless and until the Council by an indorsement on the instrument evidencing the contract, signifies that it is satisfied that the principal has at his disposal sufficient facilities and material for the proper training of the apprentice.

Council may direct examinations. Substituted by No. 66 of 1948, s. 12 for s. 23 of the 1939 reprint*. See No. 7 of 1910, s. 20; and 58 Vict., No. 35, s. 23.

23. The Council shall control and direct all examinations it considers requisite for the purposes of this Act, in such subjects as may, from time to time be prescribed by the regulations.

Council may grant or refuse certificates. No. 7 of 1910, s. 21, renumbered s. 24 in 1939 reprint*. See 58 Vict., No. 35, s. 24.

24. The Council may, upon the results of the examinations held under this Act, grant or refuse all certificates of competency, skill, knowledge and qualification to practise the business or calling of a pharmaceutical chemist.

* See footnote Δ on page 1 of this reprint.

PART V.—SALE OF POISONS.

25. The several articles mentioned in either the Fifth or the Ninth Schedules to this Act shall be deemed poisons within the meaning of this Act. Provided always, that the Governor, by proclamation duly published in the *Gazette*, may, from time to time, declare that any other article specified in such proclamation shall be deemed a poison within the meaning of this Act, and on such proclamation being so published such article shall be deemed a poison within the meaning of this Act.

Definition of poisons.
Fifth and Ninth Schedules.
No. 7 of 1910, s. 22, amended by No. 51 of 1937, s. 6; renumbered s. 25 in 1939 reprint*
amended by No. 66 of 1948, s. 13.
No. 10 of 1952, s. 5.
See 58 Vict., No. 35, s. 25.

Provided also that the Governor, on the recommendation of the Council, may by proclamation do all or any of the following things, namely:—

- (a) remove the name of any article from either Part I. or Part II. of the Fifth Schedule to this Act;
- (b) remove the name of any article from Part I. of the said Fifth Schedule and add the name of such article to Part II. of such Schedule;
- (c) remove the name of any article from Part II. of the said Fifth Schedule and add the name of such article to Part I. of such Schedule; and
- (d) amend by adding to, taking away from, varying or modifying any of the items contained in the Ninth Schedule to this Act.

26. Every person who sells any poison shall, unless he holds a license from the Council in the form prescribed, or is exempted by section forty-one of this Act, be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding twelve months.

Poison not to be sold by unlicensed person.
No. 7 of 1910, s. 23, amended by No. 51 of 1937, s. 7; renumbered s. 26 in 1939 reprint*
amended by No. 66 of 1948, s. 14.
See 58 Vict., No. 35, s. 26.

* See footnote Δ on page 1 of this reprint.

Dealers in
poison other
than phar-
maceutical
chemists.
No. 7 of 1910,
s. 24;
amended by
No. 51 of 1937,
s. 8;
renumbered
s. 27 in 1939
reprint*.
See 63 Vict.,
No. 36 s. 3;
58 Vict.,
No. 35, s. 27.

27. No such license shall be granted to any person other than a pharmaceutical chemist, who holds a license under section sixteen of this Act, except in places distant at least five miles from the nearest place in which a pharmaceutical chemist who holds a license under section sixteen of this Act has an open shop.

Conditions
precedent to
grant of
license to
sell poisons.
Substituted
by No. 66 of
1948, s. 15.
See No. 7 of
1910, s. 25;
58 Vict.,
No. 35, s. 28.

28. A license referred to in section twenty-six of this Act shall not be granted to any person unless he produces to the Council a certificate which is in the form and which is completed and signed in the manner prescribed, or unless he holds a license granted and in force pursuant to the provisions of section sixteen of this Act.

License to
sell poison
not to be
issued in
name of a
company
or friendly
society.
Inserted by
No. 51 of 1937,
s. 10 as
s. 25A and
renumbered
s. 29 in 1939
reprint*.

29. No such license shall be issued to a company or friendly society, although such company or friendly society is lawfully carrying on business as a pharmaceutical chemist; but such license may be issued to any pharmaceutical chemist entitled thereto for his own use, who is *bona fide* employed by or engaged with such company or friendly society in the business of a pharmaceutical chemist and may be used by him for the benefit of such company or friendly society:

Provided that, where any such license is used by a pharmaceutical chemist for the benefit of any company or friendly society as aforesaid, such company or friendly society, and the manager or other officers thereof respectively and the said pharmaceutical chemist, shall be jointly and severally liable in respect of any offence under this Act committed by any servant or other agent of such company or friendly society in relation to the sale or possession of poisons.

* See footnote Δ on page 1 of this reprint.

30. (1) Every application for a license to sell poison under this Act shall be made in the manner prescribed by regulations; and subject to this Act and the regulations a license may be issued by the Council to the applicant upon payment of the prescribed fee.

Application for license to sell poison. Inserted by No. 51 of 1937, s. 10 as s. 25B and renumbered s. 30 in 1939 reprint*.

(2) Every license to sell poison issued under this section shall, unless cancelled, remain in force until the thirtieth day of June next ensuing after the date of the issue of the license.

31. Every person licensed to sell poisons referred to from time to time in the Fifth Schedule to this Act, shall, as regards those poisons—

Licensed persons to observe certain conditions. No. 7 of 1910, s. 26, amended by No. 51 of 1937, s. 11 renumbered s. 31 in 1939 reprint*; amended by No. 66 of 1946, s. 16. See 58 Vict., No. 35, s. 29. 63 Vict., No. 36, s. 3.

(a) Keep all poisons in a safe, box, cupboard, drawer, or other place, securely locked or fastened.

Manner of keeping poisons.

(b) Except when sales and purchases of poisons are effected by correspondence, before delivery to the purchaser, inquire his name, place of abode, and occupation, and the purpose for which such poison is required, and make an entry in the form contained in the Eighth Schedule, in a book to be kept at the place of business of the licensee for that purpose, specifying the date of the sale, the name of the purchaser, his place of abode and occupation, the purpose for which the poison is required, the quantity of the poison sold, and sign such entry, and obtain the signature of the purchaser thereto, or, if the purchaser cannot write, insert the words "Purchaser cannot write."

Particulars of sale to be kept.

* See footnote Δ on page 1 of this reprint.

Particulars
of sales
effected by
correspond-
ence.

(c) Whenever sales or purchases of poison are effected by correspondence, retain the letter, telegram, or other document by which such poison is ordered, and make an entry in the said book, so far as is practicable, of the particulars contained in the Eighth Schedule.

Signature
of witness to
be obtained.

(d) Whenever a witness to the sale of any poison is required by this Act, obtain the signature of such witness to the entry in the said book relating to such poison.

(e) Refuse to sell and refrain from selling any poison to any person who is—

(i) apparently under eighteen years of age;

(ii) unknown to the vendor, unless the sale be made in the presence of some witness who is known to the vendor, and to whom the purchaser is known, and that witness signs his name together with his place of abode, to the required entry before the delivery of the poison to the purchaser;

Provided that the word "Poisons" in paragraph (b) and subparagraph (ii) of paragraph (e) of this section shall apply only to the poisons mentioned in Part I. of the Fifth Schedule.

Licensed
person to
produce on
demand the
book
required by
sec. 31 to be
kept.
No. 7 of 1910,
s. 27,
renumbered
s. 32 in 1939
reprint*.

32. Every person licensed under this Act to sell poisons shall, immediately on demand being made to him at his shop or place of business by a member of the Council or its registrar, or any person authorised in writing under the hand of the president or registrar, produce and show the book to be kept under section thirty-one, and permit the same to be examined, and any person neglecting, failing, or refusing to produce and show such book

* See footnote Δ on page 1 of this reprint.

on demand or to permit the same to be examined, shall be guilty of an offence against this Act, and be liable, on conviction, to the same fine or imprisonment as is mentioned in section thirty-eight.

33. No person shall sell any poison mentioned in Part I. of the Fifth Schedule, ordered by letter, telegram, or other document, to any person with whose signature he is not acquainted, unless such signature has been witnessed, or purports to have been witnessed, by a justice of the peace, legal practitioner, or notary public, or is otherwise authenticated by some person known to the vendor.

Signature of purchaser by correspondence to be proved.
No. 7 of 1910, s. 28, renumbered s. 33 in 1939 reprint*.
See 58 Vict., No. 35, s. 30, 63 Vict., No. 36, s. 3.

34. No person shall sell any poison or poisonous substance unless the container immediately containing it is marked in such manner and with such particulars as shall be prescribed.

Substituted by No. 66 of 1948, s. 17 for s. 34 of 1939 reprint*.
See 3 Edw. VII, No. 8, s. 4, No. 7 of 1910, s. 29.

35. (1) No person shall sell any arsenic or strychnine, or any preparation of arsenic or strychnine, unless in the case of arsenic or any uncoloured preparation of arsenic, it is mixed, before the sale or delivery, with soot or some other black substance in the proportion of one ounce of soot or other black substance at least to one pound of arsenic, and so in proportion for any greater or less quantity, and unless, in the case of strychnine or any uncoloured preparation of strychnine, it is coloured with Armenian bole or some other red colouring matter before the sale or delivery thereof.

Arsenic and strychnine must be coloured.
No. 7 of 1910, s. 30, renumbered s. 35 in 1939 reprint*.

(2) Provided that, whenever the purchaser states that the arsenic or strychnine, or any preparation thereof respectively, is not required for any pastoral or agricultural use or for the destruction of vermin, but is required for a purpose for which such admixture with colouring matter would, according to the representation of the purchaser, render it unfit (a statement of which purpose is entered in

* See footnote Δ on page 1 of this reprint.

the book required by section thirty-one to be kept and signed as thereby required or specified in the letter therein referred to, as the case may be), such poison may be sold without such admixture.

(3) Every person failing to comply with or acting contrary to any of the provisions of this section shall be guilty of an offence against this Act, and, upon conviction, be liable to the same fine or imprisonment as is mentioned in section thirty-eight.

36. [Repealed by No. 66 of 1948, s. 18.]

Prohibition against sale of poison or the hawking or peddling of poison in a street or public place or from house to house.

Inserted by No. 51 of 1937, s. 13 as 31A, renumbered s. 37 in 1939 reprint*.

37. No person shall—

(a) sell; or

(b) hawk or peddle or distribute or cause to be distributed as a sample

any poison, narcotic drug or poisonous substance in any street or public place or from house to house.

Penalty: Fifty pounds.

Penalties in respect of keeping and sale of poisons.

No. 7 of 1910, s. 32, amended by No. 51 of 1937, s. 14, renumbered s. 38 in 1939 reprint*.

See 58 Vict., No. 35, s. 33.

38. (1) Any person who—

(a) sells, hawks, peddles, or distributes, or causes to be distributed any poison, narcotic, drug, or poisonous substance contrary to the provisions of this Act; or

(b) Neglects or omits to comply with any of the provisions of this Act regulating the sale or keeping of poisons; or

(c) On the purchase of any poison, gives false information in relation to the particulars required by this Act on the purchase or sale of any poison; or

(d) Signs his name as a witness to the signature of any person ordering poison by letter, telegram, or other document, or to the sale of any poison to a purchaser who is unknown to him,

* See footnote Δ on page 1 of this reprint.

shall be guilty of an offence against this Act, and liable upon conviction to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding twelve months, with or without hard labour.

(2) For the purpose of this section, the person on whose behalf any sale is made by an assistant or apprentice shall be deemed to be the person who sells, and such assistant or apprentice shall also be liable to the like penalties as the person on whose behalf he makes such sale.

"Person" to include assistant or apprentice.

39. Any person other than a pharmaceutical chemist in charge or possession of any poison, who leaves it in any place (whether the same be ordinarily accessible to others or not), unless the bottle or package of whatsoever kind in which such poison is contained is marked "poison," and otherwise duly labelled in the manner provided by section thirty-four, shall be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding twenty pounds: Provided always, that this section shall not apply to pharmaceutical chemists in the conduct of their business.

Owner of poisons not to leave them about unlabelled, under a penalty. No. 7 of 1910, s. 33, renumbered s. 39 in 1939 reprint*. See 58 Vict., No. 35, s. 34.

40. (1) The Governor may, on the recommendation of the Council, by order, direct the cancellation of the license of any person to sell poisons deemed by the Council unfit to continue to sell poisons.

Cancellation of certificate of dealer in poisons. No. 7 of 1910, s. 84, amended by No. 51 of 1937, s. 15, renumbered s. 40 in 1939 reprint*. See 58 Vict., No. 35, s. 35.

(2) Where a pharmaceutical chemist holds a license under section sixteen and also a license to sell poison under this Act, and the former license is cancelled as provided for in this Act, then the license to sell poison shall also be deemed to be cancelled during such period as the said license under section sixteen aforesaid remains cancelled.

* See footnote Δ on page 1 of this reprint.

Substituted
by No. 66 of
1948, s. 19
for s. 41 of
the 1939
reprint*.
See No. 51 of
1937, s. 16.

41. Subject to the provisions of this section, the provisions of sections twenty-six to thirty-three, both inclusive, and of section forty-two of this Act shall not apply in respect of—

(a) any wholesale dealing:

Provided that—

- (i) no poison or poisonous substance, shall be supplied in connection with the dealing, unless pursuant to a written order signed by the intending purchaser;
 - (ii) all poisons and poisonous substances kept for the purpose of wholesale dealing, shall be kept in the custody and control of the vendor, his agents and servants, in such manner as to preclude access to them by the public;
- (b) a sale of any poison or poisonous substance when made up or compounded—
- (i) in a medicine by a medical practitioner for any patient whom he is treating;
 - (ii) in a medicine by a pharmaceutical chemist, carrying on business as a pharmaceutical chemist or druggist;
 - (iii) in a medicine by a veterinary surgeon or veterinary practitioner for any animal which he is treating;
 - (iv) in the form of any homeopathic medicine, except when in the crude state or mother tincture.

* See footnote Δ on page 1 of this reprint.

42. (1) Except as provided by section one hundred and twenty-six (a) of the Vermin Act, 1918, (b) no person other than a person holding a license to sell poison or otherwise authorised by this Act to sell poison without holding such a license shall sell or offer or expose for sale any of the poisonous substances or preparations specified in the Ninth Schedule to this Act, unless he holds from the Council a license to do so as prescribed by the regulations.

Sales of certain poisonous substances, except by licensed persons, prohibited. Inserted by No. 51 of 1937, s. 17, as s. 35A, renumbered s. 42 in 1939 reprint*.

Penalty: Fifty pounds.

(2) (a) A license to sell any of the poisonous substances, or preparations, specified in the Ninth Schedule to this Act—

Substituted by No. 66 of 1948, s. 20 for s. 42 (2) of 1939 reprint*.

(i) shall not be issued to any body corporate or partnership;

(ii) may be issued, in the manner and subject to the conditions prescribed by the Council to any natural person, who applies for it in the manner, and pays the fee, prescribed, as an authority for him to sell any of them—

(I) on his own behalf; or

(II) as an employee, and on behalf, of any body corporate; or

(III) as an employee, or partner, and on behalf, of any partnership.

(b) When a license is issued pursuant to the provisions of item (II) or (III) of subparagraph (ii) of the last preceding paragraph, and an offence against the provisions of this Act, relating to the sale of those substances and preparations is committed by the holder of the license in connection with—

his employment, if he is an employee, or the business of the partnership, if he is a partner—

* See footnote Δ on page 1 of this reprint.

(a) Now s. 130.

(b) Now Vermin Act, 1918-1954: See No. 44 of 1954, s. 1 (3).

each of the following shall be guilty of a similar offence, and liable to punishment similar to that to which the holder is liable—

- (i) in the case of a body corporate, that body and each of its executive officers, whether director, manager, secretary, or otherwise, who knowingly authorises, or who, through lack of reasonable supervision or otherwise, permits the offence;
- (ii) in the case of a partnership, each partner who knowingly, or who, through lack of reasonable supervision or otherwise, permits the offence:

Provided that the provisions of this subsection shall not be construed so as to affect the liability of any person, who aids, counsels, procures, or is otherwise an accessory to the offence.

(c) The holder of a license issued pursuant to the provisions of this subsection shall observe and comply with the provisions of this Act and the regulations made in pursuance of those provisions, relating to the license and to any conditions specified in the license;

(3) Repealed by No. 66 of 1948, s. 20(b).

(4) Every license issued under this section shall, unless cancelled or suspended, remain in force until the thirtieth day of June next ensuing after the date of the issue thereof.

(5) If any person holding a license under this section is convicted of any offence, or by reason of habitual drunkenness or for any other reason is in the opinion of the Council unfit to hold such license, the Council may cancel such license, either absolutely or upon such conditions as it may determine, or may suspend such license for the whole or any portion of the unexpired period of the license, as the council may determine.

Provided that the licensee may appeal in accordance with the regulations to the Governor against the decision of the Council, and the Governor may affirm, set aside, or vary the decision appealed against.

Provided also, that during such time as a license is suspended as aforesaid, it shall be wholly inoperative as a license.

42A. Poisons and poisonous substances, which are referred to in the Ninth Schedule to this Act, and which are kept for the purpose of sale or supply, shall be kept in the custody and control of the vendor, his agents and servants in such manner as to preclude access to them by the public and shall not be sold or supplied to any person who is apparently under the age of eighteen years.

Inserted by
No. 66 of 1948,
s. 21 as s. 42A.

43. Any person who—

- (a) instals any automatic machine for the sale or supply of any drug or medicine or poison, or permits any such automatic machine to be so installed; or
- (b) sells or supplies any drug or medicine or poison by means of any automatic machine; or
- (c) permits or suffers any person to purchase or be supplied with or otherwise obtain any drug or medicine or poison by means of any automatic machine

Sales of
drugs and
medicines
by means of
automatic
machines
prohibited.
Inserted by
No. 51 of 1937,
s. 17 as s. 35B,
renumbered
s. 43 in 1939
reprint*.

shall be guilty of an offence.

Penalty: Ten pounds.

* See footnote Δ on page 1 of this reprint.

Inserted by
No. 66 of 1948,
s. 22.

PART VA.—SALE OF CERTAIN DRUGS.

Tenth,
Eleventh and
Twelfth
Schedules.

Inserted by
No. 66 of 1948,
s. 22.

43A. Subject to the provisions of this Act, any of the drugs or preparations referred to in the Tenth, Eleventh and Twelfth Schedules to this Act, shall not be sold, except by such persons and subject to such conditions as shall be prescribed:

Penalty—Fifty pounds.

Tenth,
Eleventh and
Twelfth
Schedules
may be
amended.

Inserted by
No. 66 of 1948,
s. 22.

Notice of
amendment
to Tenth,
Eleventh and
Twelfth
Schedules to
be advertised
in *Gazette*.

43B. (1) The Governor may, by order made by him, amend the Tenth, Eleventh and Twelfth Schedules to this Act by deletion, addition or other alteration.

(2) Notice of any order made under the provisions of the last preceding subsection shall be published in the *Gazette* and thereupon shall take effect on the day specified in the notices, but if no day be specified, on the seventh day after that of the publication.

Exemption
of certain
wholesale
dealings.

Inserted by
No. 66 of 1948,
s. 22.

43C. The provisions of this Part shall not apply to any wholesale dealing between a wholesale dealer and a person referred to in paragraph (a) or paragraph (b), subparagraph (ii) of the interpretation "Wholesale dealing" in section three of this Act.

PART VI.—MISCELLANEOUS.

Penalties
for contra-
vention of
the Act.

No. 7 of 1910,
s. 36,
amended by
No. 51 of 1937,
s. 18,
renumbered
s. 44 in 1939
reprint*,
amended by
No. 66 of 1948,
s. 23,
No. 56 of 1954,
s. 2.

See 3 Edw.
VII.,
No. 8, s. 3.

44. (1) No person other than—

(a) A pharmaceutical chemist; or

(b) A company or a friendly society registered under the Friendly Societies Act, 1894-1923, and respectively engaged in carrying on the business of a chemist and druggist or of a pharmaceutical chemist by and under the immediate supervision of a licensed pharmaceutical chemist, provided that such company or friendly society does not employ in the dispensing of medicines more than three persons who are not pharmaceutical chemists to every pharmaceutical chemist who is so employed;

* See footnote Δ on page 1 of this reprint.

shall carry on the business of a chemist and druggist or pharmaceutical chemist or assume or use or exhibit any title, direction, or sign, whether including the word "pharmacy" or otherwise, which can be considered to mean that he is carrying on that business.

Provided that—

- (i) nothing in this section contained shall extend to or be deemed to give any right to a company to carry on such business other than a company now registered and carrying on such business under the immediate personal supervision of a pharmaceutical chemist, and, save as aforesaid, it shall not be lawful for any company or association of persons, not being licensed pharmaceutical chemists, to carry on or assist in the carrying on of such business aforesaid, or to assume or use or exhibit any title, direction, or sign whether including the word "pharmacy" or otherwise which can be considered to mean that such company or association of persons is or are carrying on any such business as aforesaid, or that any of such persons is or are qualified as a pharmaceutical chemist; and
- (ii) every company now carrying on business as aforesaid under the authority of this Act shall be and is hereby limited to the carrying on of such business at one place or shop or premises, and no more; and
- (iii) the legal personal representative of a pharmaceutical chemist who may have died whilst carrying on such business, or any person seizing or taking possession of the stock-in-trade of a pharmaceutical chemist under a mortgage, bill or sale, or other security, or the liquidator of any company in the course of being wound up, or any mortgagee or receiver seizing and taking possession of the stock-in-trade of a

company under a mortgage, bill of sale, or other security, may continue to carry on the business of the pharmaceutical chemist or of the company, as the case may be, for a period not exceeding twelve months, or for such further period as may be permitted by the Council upon and subject to the express condition that such business is so carried on by and under the immediate personal supervision and management of a duly licensed pharmaceutical chemist; and

- (iv) nothing in this section shall operate so as to prevent a person, not being a company or a friendly society or a registered or licensed pharmaceutical chemist, who has been and still is at the time of the commencement of this paragraph of this proviso carrying on the business of a chemist and druggist, from continuing himself in person to continue to carry on the said business in the same place: provided he does so constantly under the immediate personal supervision of a licensed pharmaceutical chemist until he ceases to carry on such business in such place, or sells, assigns, or otherwise disposes of the said business; and
- (v) nothing in this section shall operate to prevent a medical practitioner from supplying or selling any medicine, drug or poison to a patient whom he is treating and for the purpose of that treatment, or, where it is not reasonably practicable in the circumstances to obtain any medicine, drug or poison at a pharmacy, from supplying or selling the medicine, drug or poison to any person; and
- (vi) nothing in this section shall operate to permit the carrying on by a medical practitioner of the business of a pharmaceutical chemist;

(2) No person other than—

a pharmaceutical chemist shall assume or use the title of pharmaceutical chemist, pharmacist, chemist and druggist, dispensing chemist, dispensing druggist, homoeopathic chemist, or other words of like import, or use or exhibit any title, term, or sign which can be construed to mean that such person is qualified a a pharmaceutical chemist

(2a) Except in cases of emergency—

no person shall accept any prescription for preparation of medicine—

otherwise than at a pharmacy at which the medicine shall be prepared and supplied.

(3) Any person who offends against the provisions of this section shall be liable, on conviction, to a penalty not exceeding fifty pounds, or to imprisonment for any term not exceeding twelve months for every such offence.

45. (1) No pharmaceutical chemist shall carry on or attempt to carry on the business of a chemist and druggist, or pharmaceutical chemist, or assume or use the title of a pharmaceutical chemist, pharmacist, chemist and druggist, dispensing chemist, homoeopathic chemist or other title of like import, or use or exhibit any title, term, or sign on any shop, house, or premises which can be construed to mean that the business of a pharmaceutical chemist is carried on therein, unless such business is conducted by and under the personal supervision of himself or of an assistant who is a pharmaceutical chemist.

Business of pharmaceutical chemist to be carried on by the principal or a qualified assistant.
No. 7 of 1910, s. 37, amended by No. 51 of 1937, s. 19, renumbered s. 45 in 1939 reprint*, amended by No. 56 of 1954, s. 3.
See 63 Vict., No. 36, s. 4.

(2) Every pharmaceutical chemist, and every licensed vendor of poisons, and every person or assistant under whose conduct or management the business or any branch of the business of a pharmaceutical chemist is carried on, shall have his name

Chemists and persons licensed to sell poisons to have their names painted up.

* See footnote Δ on page 1 of this reprint.

legibly painted or written, and continually so maintained, on a conspicuous place on the front of the building where such business is carried on, and on every label, invoice, or other document which is issued or used in or in connection with such business.

Offence.

(3) Every person who fails to comply with or acts contrary to any of the provisions of this section shall be guilty of an offence against this Act, and on conviction thereof, shall be liable to a penalty not exceeding fifty pounds, and an additional penalty of five pounds for every day during which such failure or act continues.

Penalty on fraudulent registration. No. 7 of 1910, s. 38, renumbered s. 46 in 1939 reprint*. See 58 Vict., No. 35, s. 37.

46. Any registrar appointed under this Act, or other person who wilfully makes or causes to be made any false entry in the register; and any person who wilfully procures or attempts to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false certificate or diploma of competency or other certificate, or declaration, either verbally or in writing; and any person who aids or assists therein shall be guilty of an offence against this Act, and liable, on conviction, to a penalty not exceeding one hundred pounds, with or without imprisonment for any term not exceeding twelve months.

Evidence under ss. 44 and 45. No. 7 of 1910, s. 39, renumbered s. 47 in 1939 reprint*. See 63 Vict., No. 36, s. 8.

47. In any prosecution under sections forty-four or forty-five of this Act, the fact that any person is apparently employed or engaged in any shop, house, or premises where drugs are kept or stored for sale, or acts in the capacity of a salesman therein, shall be *prima facie* proof that such person carries on a business as a pharmaceutical chemist in such shop, house, or premises, and personally conducts and supervises the business carried on therein.

* See footnote Δ on page 1 of this reprint.

48. All offences against this Act upon which a pecuniary penalty is imposed shall be summarily punishable, and all penalties imposed by this Act shall be recovered in a summary manner before two or more justices of the peace; and all fees payable under this Act shall be paid to the Council to be applied towards the expenses of carrying this Act into effect.

Offences and procedure. No. 7 of 1910, s. 40, renumbered s. 48 in 1939 reprint*. See 58 Vict., No. 35, s. 39. No. 4 of 1908, s. 2.

49. (1) All proceedings in respect of offences against this Act shall be commenced within six months after the offences thereby charged shall have been committed.

Proceedings to be commenced within six months. No. 7 of 1910, s. 41, renumbered s. 49 in 1939 reprint*. See 58 Vict., No. 35, s. 40.

(2) No order, judgment, warrant, or other proceeding made or purporting to be made under or concerning the conviction of any offender against this Act shall be quashed or vacated for want of form only, or be removed or removable by *certiorari*, or by any writ or process whatsoever into any superior court of the State.

No *certiorari*.

50. [Repealed by No. 66 of 1948, s. 24.]

Act not to apply to sale of patent or proprietary medicines in certain cases. No. 7 of 1910, s. 42, renumbered s. 50 in 1939 reprint*. See 58 Vict., No. 35, s. 41.

51. [Repealed by No. 66 of 1948, s. 24.]

Provisions relating to apprentices. Inserted by No. 51 of 1937, s. 20, renumbered s. 51 in 1939 reprint*, transposed as s. 22A in this reprint.

52. [Repealed by No. 66 of 1948, s. 24.]

Council may establish schools and use funds for maintenance of same. Inserted by No. 51 of 1937, s. 20 renumbered s 52 in 1939 reprint,* transposed as s. 6(6) in this reprint.

* See footnote Δ on page 1 of this reprint.

General penalty. Added by No. 66 of 1948, s. 25.

52A. Any person who acts in contravention of, or fails to comply with, any of the provisions of this Act or the regulations made thereunder, shall be guilty of an offence against this Act, and where no special penalty is provided, be liable to a penalty not exceeding ten pounds.

Regulations No. 7 of 1910, s. 43, amended by No. 51 of 1937, s. 21, renumbered s. 53 in 1939 reprint,* amended by No. 66 of 1948, s. 26. See 58 Vict., No. 35, s. 42.

53. (1) The Governor, either with or without the recommendation of the Council, may make regulations, not inconsistent with this Act, for all or any of the following purposes, that is to say:—

Meetings of the Council and conduct of business.

(a) regulating the meeting and proceedings of the Council and the conduct of its business;

Election of Council and president.

(b) prescribing the manner of and time and place for electing the members and the president of the Council;

License fees and examination and registration fees.

(c) prescribing the annual license fees to be paid by pharmaceutical chemists to the Council for the purpose of defraying the expenses necessary to carry out the provisions of this Act, the fees for the examination of persons qualifying to be registered as pharmaceutical chemists, and the fees for the registration of the same;

Prescribing subjects of examination.

(d) prescribing the subjects for the examination of persons qualifying for registration as pharmaceutical chemists;

What pharmacy institutions may be recognised.

(e) prescribing that the certificates or diplomas of competency as a pharmacist or as a chemist and druggist of any specified society, college or board of pharmacy shall be recognised by the Council;

Issue, cancellation, and suspension of licenses.

(f) regulating the issue, cancellation, and suspensions of licenses and permits by the Council;

* See footnote Δ on page 1 of this reprint.

- (g) regulating appeals against the decisions of the Council in relation to the refusal, cancellation, or suspension of licenses and permits; Appeals.
- (h) prescribing forms; Forms.
- (i) prescribing fees; License fees.
- (j) regulating the manufacture, storage, safe custody and sale of poisons, poisonous substances, and drugs; Manufacture, storage, safe custody, and sale of poisons.
- (k) regulating the colouring of any poison, poisonous substance, or narcotic drug; Colouring of poisons.
- (l) providing for the shape, size, and materials of the container or package in which any poison, poisonous substance, or narcotic drug may be sold; Containers or packages.
- (m) requiring that the container or package in which any prescribed poison is cased, covered, enclosed, contained or packed for sale (whether by wholesale or retail) shall have printed thereon the name of some effective remedy (if any) to counteract the effects of such poison; Containers to have printed thereon name of remedy to counteract poison.
- (n) providing for general or particular inspections by the Council, or by any servant or officer of the Council authorised in that behalf by writing under the hand of the president of the Council, of any books, entries, letters, documents, instruments, or other writings required by the provisions of this Act to be kept by persons subject to the provisions of this Act; Inspection of books and documents.
- (o) prescribing all other matters and things necessary to be prescribed or which it is convenient to prescribe for more effectively carrying the provisions of this Act into effect and of achieving the objects of this Act; and General.

Penalty for breach of regulation.

(p) prescribing a penalty, not exceeding the sum of fifty pounds, to be imposed upon and paid by any person found guilty of any breach or contravention of any regulation made under this Act.

Publication of regulations.

(2) All regulations made under this Act shall be laid before both Houses of Parliament within fourteen days from the making thereof if Parliament be then sitting, and if not then sitting, then within fourteen days after the then next assembling of Parliament, and when published in the *Gazette* such regulations shall have the force of law.

Evidence.

(3) A copy of the *Gazette* containing any such regulation shall be *prima facie* evidence in all courts of justice and in all legal proceedings of the due making of such regulation and that it is still in force.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

Acts Compiled.

- 58 Vict., No. 35. Pharmacy and Poisons Act, 1894.
 63 Vict., No. 36. Pharmacy and Poisons Act Amendment Act, 1899.
 3 Edw. VII. No. 8. Pharmacy and Poisons Act Amendment Act, 1903.

Section 13.
 No. 7 of 1910,
 Second
 Schedule.

SECOND SCHEDULE.

THE PHARMACY AND POISONS ACT, 1910-1954.

Register of Pharmaceutical Chemists.

Name.	Residence or place of Business.	Qualification.	Date of Registration.

THIRD SCHEDULE.

Section 21.
No. 7 of 1910.
Third
Schedule.

THE PHARMACY AND POISONS ACT, 1910-1954.

Certificate of Registration as a Pharmaceutical Chemist.

We do hereby certify that ,
residing at , in ,
has been duly registered as a pharmaceutical chemist.
Dated at this day of , 19 .
(Signed) A.B., President of the Pharmaceutical
(Signed) C.D., Registrar Council of
Western Australia.

FOURTH SCHEDULE.

Section 22.
No. 7 of 1910.
Fourth
Schedule.

THE PHARMACY AND POISONS ACT, 1910-1954.

Declaration by Apprentice.

I, , of , in the
State of Western Australia, do solemnly and sincerely
declare—

- (1) That I have attained the age of twenty-one years,
and
- (2) That I have served not less than four years as an
apprentice in the business of a chemist and druggist
or pharmaceutical chemist in Western Australia
(or as the case may be) in the keeping of open shop
for the compounding and dispensing of prescrip-
tions of legally qualified medical practitioners.

And I make this solemn declaration by virtue of section
one hundred and six of the Evidence Act, 1906.

Declared at , in the State of
Western Australia, this day of , 19 .
Before me, , J.P.

*Certificate of Apprenticeship by Master Chemist and
Druggist or Pharmaceutical Chemist.*

I, , a chemist and
druggist, or a pharmaceutical chemist, do hereby certify
that , of ,
in the State of Western Australia, to the best of my know-
ledge and belief has attained the age of twenty-one years,
and has served for four years as an apprentice in the busi-
ness carried on by me of a chemist and druggist, or of a
pharmaceutical chemist.

Dated day of , 19 .
(Signed) of

Section 25.
No. 7 of 1910,
Fifth
Schedule.
Amended by
Proclamation
—see
Government
Gazette of
9th January,
1953.
See 63 Vict.,
No. 36,
Schedule.

FIFTH SCHEDULE.¹*List of Poisons.***Part I.**

Aconite
Arsenic and its preparations
Arsenical preparations, except green and other paints and pigments
All poisonous vegetable Alkaloids and their salts
Belladonna and its preparations
Cannabis Indicus
Cantharides
Chloral Hydrate
Chloroform
Cocaine and its preparations
Conium and its preparations
Corrosive Sublimate
Croton Oil
Cyanides of Potassium and all metallic cyanides
Digitalis and its preparations
Ergot of Rye and its preparations
Essential Oil of Almonds, unless deprived of its prussic acid
Iodine
Laudanum
Nux Vomica, bean or powder
Opium and all preparations of opium or poppies
Phosphorus
Prussic Acid and its preparations
Savin and its oil
Strychnine and its preparations
Tartar Emetic

Part II.

Butyr of Antimony
Carbolic Acid
Chlorodyne
Colocynth Pulp
Ether
Iodoform
Mercury Subchloride
Oxalic Acid
Patent and Proprietary Medicines containing any poison mentioned in Part I. of this Schedule
Red Precipitate
Strong Mineral Acids
Sugar of Lead
White Precipitate
Lysol (see "Government Gazette," 23rd October, 1908)

¹ For a list of poisons either contained in the Fifth Schedule to the Pharmacy and Poisons Act, 1910-1954, or proclaimed under s. 25 of that Act see note after the Twelfth Schedule to this reprint.

SIXTH SCHEDULE.

[Deleted by No. 66 of 1948, s. 27.]

SEVENTH SCHEDULE.

[Deleted by No. 66 of 1948, s. 27.]

EIGHTH SCHEDULE.

Section 31.
No. 7 of 1910,
Eighth
Schedule.

THE PHARMACY AND POISONS ACT, 1910-1954.

Form of Entry in Book on Sale of Poison.

Date of Sale.	Name of purchaser.	Place of abode.	Occupation.	Quantity and Names of Poison.	Purpose for which it is required.	Purchaser's signature.	Signature of Witness.	Place of abode of Witness.	Vendor's signature.

NINTH SCHEDULE.¹

Section 25.
Inserted by
No. 51 of
1937, s. 23.

1. Agricultural and horticultural preparations containing any poison intended to be used exclusively for agricultural or horticultural purposes, or for the purpose of destroying birds or animals which are vermin under any Act relating to vermin, or for use exclusively as sheep dips, sheep washes, or weed killers, but so that the preparation when sold is contained in a vessel or receptacle which is adequately sealed.

¹ The following items have been added to the Ninth Schedule—

Preparations containing 10% or more of Dichlorodiphenyltrichloroethane (commonly known as D.D.T.). (See Proclamation published in *Government Gazette* dated 6th September, 1946.)

Methyl alcohol in concentrations of over 5 per cent.;

phosphorous: Toxic organic compounds of;

Chlordane and any preparations thereof. (See Proclamation published in *Government Gazette* dated 9th January, 1953.)

2. Photographic chemicals consisting of or containing any poison and exclusively used for the purpose of photography.

3. Poisonous preparations intended to be used exclusively for destroying rats, mice, flies, or other insects.

4. Poisonous acids and chemicals for mining or trade purposes, when such are required in large quantities.

5. Such other poisonous substances and preparations as may be added to this Schedule by proclamation.

S. 43A.
Inserted by
No. 66 of
1948, s. 28.

TENTH SCHEDULE.†

Drugs and Preparations for Human Use.

All natural androgenic and oestrogenic hormones and synthetic substances having or purporting to have androgenic or oestrogenic activities for human use¹

Any Salt, extract or derivative of any of the drugs mentioned in this Schedule¹

Aureomycin²

Barbituric Acid¹

B/Aminopropylbenzene³

Chloramphenicol⁴

Cortisone and other supra-renal cortical hormones either natural or synthetic and andreno-corticotrophic hormone (A.C.T.H.) and preparations containing these substances in free or combined form, or purporting to contain them in any pharmaceutically elaborated form⁵

Compounds of Fluorine⁶

Dihydrostreptomycin⁷

Ergot¹

Penicillin¹

Phenylbutazone (Butazolidin)⁸

Preparations, containing any of the drugs mentioned in this Schedule, except:—

(a) Preparations containing not more than 1 per cent. Barbituric Acid or any derivation of Barbituric Acid⁴

(b) [Deleted]⁸

(c) Inhalators containing B/Aminopropylbenzene³

† As amended by Orders in Council made pursuant to the provisions of s. 43B and published in the *Gazettes* mentioned in this footnote.

¹ *Gazette* dated 8th April, 1949.

² *Gazette* dated 11th November, 1949.

³ *Gazette* dated 19th May, 1950.

⁴ *Gazette* dated 2nd May, 1952.

⁵ *Gazette* dated 9th January, 1953.

⁶ *Gazette* dated 23rd July, 1954.

⁷ *Gazette* dated 25th November, 1955.

⁸ *Gazette* dated 17th December, 1954.

Streptomycin⁵
Sulphonamides, and substituted Sulphonamides¹
Synthetic Anti-Histamine Drugs except preparations for
external use or for motion sickness only^{4 4 4}
Terramycin⁵

ELEVENTH SCHEDULE.¹

Drugs and Preparations for Veterinary Use.

S. 43A.
Inserted by
No. 66 of
1948, s. 28.

Penicillin
Products of salts of penicillin
Preparations containing any of the drugs mentioned in the
foregoing items of this Schedule

TWELFTH SCHEDULE.

Drugs and Preparations for Veterinary Use.

S. 43A.
Inserted by
No. 66 of
1948, s. 28.

Item.

A—Sulphonamides.

B—Substituted sulphonamides.

C—Preparations containing any of the drugs mentioned
in the foregoing items of this Schedule.

¹ By Order in Council made pursuant to the provisions of s. 43B and published in *Gazette* dated 23rd July, 1954, the following drugs or preparations have been added to the Eleventh Schedule:—

Aureomycin

Chloramphenicol

Streptomycin

Dihydrostreptomycin

Terramycin

Cortisone and other supra-renal cortical hormones either natural or synthetic and andreno-corticotrophic hormone (A.C.T.H.)

NOTE.

List of Poisons either contained in the Fifth Schedule to the Pharmacy and Poisons Act, 1910-1954, or Proclaimed under S. 25 of that Act.

PART I.

		PURSUANT TO:	
			Proclamation published in Government Gazette dated—
Aconite	Fifth Schedule		
Aconitine and its salts and all preparations and admixtures thereof			23/2/23
Adrenals—Extracts and preparations of			23/2/23
All preparations and admixtures of the following:—			23/2/23
Aconite			
Cannabis Indica			
Chloral Hydrate			
Chloroform, containing more than one-fourth of one per cent. of same			
Croton Oil			
Mercuric Chloride (Corrosive Sublimate)			
Nux Vomica			
Tartrated Antimony			
Phosphorous (except Red Phosphorous and matches)			
All poisonous vegetable Alkaloids and their salts	Fifth Schedule		
Amidopyrine and its admixtures and derivatives			20/11/36
Amyl Nitrite			23/2/23
Arsenic and its preparations	Fifth Schedule		
Arsenical preparations, except green and other paints and pigments	Fifth Schedule		
Atropine and its salts and preparations			23/2/23
Barbitone (trade name "Veronal")			23/2/23
Belladonna and its preparations	Fifth Schedule		
Benzamine Hydrochloride and its preparations or admixtures			23/2/23
Benzamine Lactate and its preparations or admixtures			23/2/23
Cannabis Indicus	Fifth Schedule		
Cantharides	Fifth Schedule		
Cantharidium and all vesicating liquid preparations or admixtures thereof			23/2/23
Chloral Hydrate	Fifth Schedule		
Chloroform	Fifth Schedule		
Chloroform in all admixtures or preparations containing more than 0.25 per centum of chloroform, except dentifrices in paste form containing not more than 10 per centum of chloroform			14/10/36
Cocaine and its preparations	Fifth Schedule		
Cocaine substitutes whether known as "Novocaine," "Stovaine," or by any other name of designation, and all preparations and admixtures thereof			23/2/23
Conium and its preparations	Fifth Schedule		
Corrosive Sublimate	Fifth Schedule		
Croton Oil	Fifth Schedule		
Cyanides of Potassium and all metallic cyanides	Fifth Schedule		
Diethyl Barbituric Acid and all other derivatives of Barbituric Acid, whether described as "Veronal," "Propional," "Medinal," or any other trade mark, name or designation, and all poisonous urethanes and ureides			23/2/23
Diamorphine (also known as Heroin) and all preparations and admixtures thereof			23/2/23
Digitalis and its preparations	Fifth Schedule		
Dinitrophenol and dinitro-o-cresol and their salts			20/7/34
Egomine and all preparations and admixtures thereof			23/2/23
Elaterium and Elaterin			23/2/23
Ergot of Rye and its preparations	Fifth Schedule		
Essential Oil of Almonds, unless deprived of its prussic acid	Fifth Schedule		
Iodine	Fifth Schedule		

PART I.—continued.

	PURSUANT TO:	
		Proclamation published in Government Gazette dated—
Laudanum	Fifth Schedule	23/2/23
Lead, in combination with Oleic Acid or other higher fatty acids, whether sold as Diachylon or under any other designation (except machine spread plasters), and all poisonous salts and compounds of lead (paints and pigments excepted).		23/2/23
Mercuric Iodide		23/2/23
Mercuric Sulphocyanide		23/2/23
Morphia and all preparations and admixtures thereof		23/2/23
Nitroglycerin (medicinal)		23/2/23
Nux Vomica, bean or powder	Fifth Schedule	
Oil of Tansy		23/2/23
Opium and all preparations of Opium or popples	Fifth Schedule	
Phosphorous	Fifth Schedule	
Picrotoxin		23/2/23
Pituitary Extract		23/2/23
Prussic Acid and its preparations	Fifth Schedule	
Pure and commercial Dichlorodiphenyltrichloroethane (commonly known as D.D.T.) without admixture		6/9/46
Savin and its oil	Fifth Schedule	23/2/23
Serums for human use		23/2/23
Strophanthus and its preparations		23/2/23
Strychnine and its preparations	Fifth Schedule	
Sulphonal and its homologues, whether described as "Trional," "Tetronal," or by any other name or designation		23/2/23
Tartar Emetic	Fifth Schedule	
Thyroid Gland, preparations of		23/2/23

PART II.

Acetanilide (antefebriin)		23/2/23
All preparations and admixtures of Carboic Acid containing more than 3 per cent. of same		23/2/23
All preparations of Colocynth Pulp (Bitter Apple)		23/2/23
All preparations and admixtures of Oxalic Acid and all poisonous oxalates		23/2/23
Barium, salts of		23/2/23
Biological products and glandular substances and preparations intended for therapeutic use		29/5/31
Benzedrine and preparations or admixtures thereof, and any other preparation composed of or derived from beta-aminopropylbenzene; its salts; its N-alkyl derivatives; their salts; beta-aminoisopropylbenzene; its salts; its N-alkyl derivatives; their salts, except appliances for inhalation in which the poison is absorbed in inert solid material		8/7/38 7/7/39 29/9/39
Butyr of Antimony	Fifth Schedule	
Carboic Acid	Fifth Schedule	
Chlorodyne	Fifth Schedule	
Colocynth Pulp	Fifth Schedule	
Creosote		23/2/23
Cresylic Acid and other homologues of Carboic Acid, Carboic Acid substitutes, and all poisonous Phenols containing more than 3 per cent. of those substances		23/2/23
Ether	Fifth Schedule	
Formalin and its solutions containing more than 5 per cent.		23/2/23
Iodine, Tinctures and ointments of		23/2/23
Iodoform	Fifth Schedule	
Mercury Subchloride	Fifth Schedule	
Metaldehyde, its preparations and mixtures thereof		22/12/39
Metaphenylenediamine, paraphenylenediamene, and their salts and derivatives		12/4/35

PART II.—continued.

	PURSUANT TO:	
		Proclamation published in Government Gazette dated—
Ortho-dichlorobenzene and preparations or solutions thereof Oxalic Acid	Fifth Schedule	23/3/45
Paradichlorobenzene and solutions thereof when sold as a moth killer or insecticide		3/9/43
Paraldehyde		23/2/23
Patent and Proprietary Medicines containing any poison mentioned in Part I of this Schedule	Fifth Schedule	
Pethidine ethyl 1-methyl-4-phenylpiperidine-4-carboxylate hydrochloride and preparations or solutions thereof		8/9/44
Poisonous salts and poisonous chemical compounds of mercury and all preparations and admixtures contain- ing poisonous salts or poisonous chemical compounds of mercury		29/5/31
Red precipitate	Fifth Schedule	
Silver nitrate and its solutions, and argyrol or any similar synthetic organic compound of silver		29/5/31
Solutions of iodine and any synthetic organic compound of iodine		29/5/31
Strong Mineral Acids	Fifth Schedule	23/2/23
Strong Solution of Ammonia containing more than 5 per centum of free Ammonia		23/2/23
Sugar of Lead	Fifth Schedule	
The sulphonamides (sulphanilamides) and substituted sulphanomides, whether described as prontosil album, streptocide, coilsulanyde, prontosil red, proseptasine, soluseptasine, uleron, or by any other trade name; disulphanilamide		7/7/39
White precipitate	Fifth Schedule	
Zinc Chloride and its solutions		23/2/23
Lysol	Fifth Schedule	27/6/13
Poisons, but not designated as being in either Part I or Part II.		
Antihistamine drugs		9/1/53
Compounds of Fluorine		25/11/55
Dicoumarol and all preparations and admixtures thereof		9/1/53
Thallium, its compounds, preparations and admixtures		9/1/53