ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXXI.

An Act to regulate the Sale of Poisons, and alter and amend the Pharmacy Act, 1852.

[31st *July* 1868.]

WHEREAS it is expedient for the Safety of the Public that Persons keeping open Shop for the retailing, dispensing, or compounding of Poisons, and Persons known as Chemists and Druggists, should possess a competent practical Knowledge of their Business, and to that End that from and after the Day herein named all Persons not already engaged in such Business should, before commencing such Business, be duly examined as to their practical Knowledge, and that a Register should be kept as herein provided, and also that the Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Qualification of Pharmaceutical Chemists*, herein-after described as the Pharmacy Act, should be amended: 15 & 16 Vict. c. 56.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

Persons selling or compounding Poisons,

1. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight it shall be unlawful for any Person to sell

or assuming the Title of Chemist and Druggist, to be qualified.

sell or keep open Shop for retailing, dispensing, or compounding Poisons, or to assume or use the Title "Chemist and Druggist," or Chemist or Druggist, or Pharmacist, or Dispensing Chemist or Druggist, in any Part of *Great Britain*, unless such Person shall be a Pharmaceutical Chemist, or a Chemist and Druggist within the Meaning of this Act, and be registered under this Act, and conform to such Regulations as to the keeping, dispensing, and selling of such Poisons as may from Time to Time be prescribed by the Pharmaceutical Society with the Consent of the Privy Council.

Articles named in Schedule (A.) to be deemed Poisons within the Meaning of this Act.

2. The several Articles named or described in the Schedule (A.) shall be deemed to be Poisons within the Meaning of this Act, and the Council of the Pharmaceutical Society of *Great Britain* (herein-after referred to as the Pharmaceutical Society) may from Time to Time, by Resolution, declare that any Article in such Resolution named ought to be deemed a Poison within the Meaning of this Act; and thereupon the said Society shall submit the same for the Approval of the Privy Council, and if such Approval shall be given, then such Resolution and Approval shall be advertised in the *London Gazette*, and on the Expiration of One Month from such Advertisement the Article named in such Resolution shall be deemed to be a Poison within the Meaning of this Act.

Chemists and Druggists within Meaning of this Act.

3. Chemists and Druggists within the Meaning of this Act shall consist of all Persons who at any Time before the passing of this Act have carried on in *Great Britain* the Business of a Chemist and Druggist, in the keeping of open Shop for the compounding of the Prescriptions of duly qualified Medical Practitioners, also of all Assistants and Associates who before the passing of this Act shall have been duly registered under or according to the Provisions of the Pharmacy Act, and also of all such Persons as may be duly registered under this Act.

Apprentices and Assistants to be registered.

4. Any Person who at the Time of the passing of this Act shall be of full Age, and shall produce to the Registrar, on or before the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, Certificates according to Schedule (E.) to this Act that he had been for a Period of not less than Three Years actually engaged and employed in the dispensing and compounding of Prescriptions as an Assistant to a Pharmaceutical Chemist, or to a Chemist and Druggist as defined by Clause Three of this Act, shall, on passing such a modified Examination as the Council of the Pharmaceutical Society with the Consent of the Privy Council may declare to be sufficient Evidence of his Skill and Competency to conduct the Business of a Chemist and Druggist, be registered as a Chemist and Druggist under this Act.

5. The

Registration of Chemists and Druggists.

5. The Persons who at the Time of the passing of this Act shall have been duly admitted Pharmaceutical Chemists, or shall be Chemists and Druggists within the Meaning of the Act, shall be entitled to be registered under the Act without paying any Fee for such Registration: Provided, however, as regards any such Chemist and Druggist, that his Claim to be registered must be by Notice in Writing, signed by him, and given to the Registrar, with Certificates according to the Schedules (C.) and (D.) to this Act; and provided also, that for any such Registration of a Chemist and Druggist, unless it be duly claimed by him on or before the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, the Person registered shall pay the same Fee as Persons admitted to the Register after Examination under this Act.

Examiners under Pharmacy Act to be the Examiners under this Act.

Certificate of competent Skill, &c.

6. All such Persons as shall from Time to Time have been appointed to conduct Examinations under the Pharmacy Act shall be and are hereby declared to be Examiners for the Purposes of this Act, and are hereby empowered and required to examine all such Persons as shall tender themselves for Examination under the Provisions of this Act; and every Person who shall have been examined by such Examiners, and shall have obtained from them a Certificate of competent Skill and Knowledge and Qualification, shall be entitled to be registered as a Chemist and Druggist under this Act; and the Examination aforesaid shall be such as is provided under the Pharmacy Act for the Purposes of a Qualification to be registered as Assistant under that Act, or as the same may be varied from Time to Time by any Byelaw to be made in accordance with the Pharmacy Act as amended by this Act; provided that no Person shall conduct any Examination for the Purposes of this Act until his Appointment has been approved by the Privy Council; and such Appointment and Approval shall not in any Case be in force for more than Five Years; moreover it shall be the Duty of the said Pharmaceutical Society to allow any Officer appointed by the said Privy Council to be present during the Progress of any Examination held for the Purposes of this Act.

Application of Fees to Purpose of Pharmaceutical Society.

7. Upon every such Examination and Registration as aforesaid such Fees shall be payable as shall from Time to Time be fixed and determined by any Byelaw to be made in accordance with the Pharmacy Act as amended by this Act, and shall be paid to the Treasurer of the said Society for the Purposes of the said Society.

Registrar under Pharmacy Act to be so under this Act.

8. The Registrar appointed or to be appointed under or by virtue of the Pharmacy Act shall be Registrar for the Purposes of this Act.

9. The

Council of Pharmaceutical Society to make Orders for regulating Register to be kept.

9. The Council of the Pharmaceutical Society shall, with all convenient Speed after the passing of this Act, and from Time to Time as Occasion may require, make Orders or Regulations for regulating the Register to be kept under this Act as nearly as conveniently may be in accordance with the Form set forth in the Schedule (B.) to this Act or to the like Effect, and such Register shall be called the Register of Chemists and Druggists.

Duty of Registrar to make and keep Register.

10. It shall be the Duty of the Registrar to make and keep a correct Register, in accordance with the Provisions of this Act, of all Persons who shall be entitled to be registered under this Act, and to erase the Names of all registered Persons who shall have died, and from Time to Time to make the necessary Alterations in the Addresses of the Persons registered under this Act: to enable the Registrar duly to fulfil the Duties imposed upon him, it shall be lawful for the Registrar to write a Letter to any registered Person, addressed to him according to his Address on the Register, to inquire whether he has ceased to carry on Business or has changed his Residence, such Letter to be forwarded by Post as a Registered Letter, according to the Post Office Regulations for the Time being, and if no Answer shall be returned to such Letter within the Period of Six Months from the sending of the Letter, a Second, of similar Purport, shall be sent in like Manner, and if no Answer be given thereto within Three Months from the Date thereof it shall be lawful to erase the Name of such Person from the Register: Provided always, that the same may be restored by Direction of the Council of the Pharmaceutical Society should they think fit to make an Order to that Effect.

Notice of Death of Pharmaceutical Chemist or Chemist and Druggist to be given by Registrars.

11. Every Registrar of Deaths in *Great Britain*, on receiving Notice of the Death of any Pharmaceutical Chemist, or Chemist and Druggist, shall forthwith transmit by Post to the Registrar under the Pharmacy Act a Certificate under his own Hand of such Death, with the Particulars of the Time and Place of Death, and on the Receipt of such Certificate the said Registrar under the Pharmacy Act shall erase the Name of such deceased Pharmaceutical Chemist, or Chemist and Druggist, from the Register, and shall transmit to the said Registrar of Deaths the Cost of such Certificate and Transmission, and may charge the Cost thereof as an Expense of his Office.

Evidence of Qualification to be given before Registration.

12. No Name shall be entered in the Register, except of Persons authorized by this Act to be registered, nor unless the Registrar be satisfied by the proper Evidence that the Person claiming is entitled to be registered; and any Appeal from the Decision of the Registrar

Registrar may be decided by the Council of the Pharmaceutical Society; and any Entry which shall be proved to the Satisfaction of such Council to have been fraudulently or incorrectly made may be erased from or amended in the Register by Order in Writing of such Council.

Annual Register to be published and be Evidence.

13. The Registrar shall, in the Month of *January* in every Year, cause to be printed, published, and sold a correct Register of the Names of all Pharmaceutical Chemists, and a correct Register of all Persons registered as Chemists and Druggists, and in such Registers respectively the Names shall be in alphabetical Order according to the Surnames, with the respective Residences, in the Form set forth in Schedule (B.) to this Act, or to the like Effect, of all Persons appearing on the Register of Pharmaceutical Chemists, and on the Register of Chemists and Druggists, on the Thirty-first Day of *December* last preceding, and such printed Registers shall be called "The Registers of Pharmaceutical Chemists and Chemists and Druggists," and a printed Copy of such Registers for the Time being, purporting to be so printed and published as aforesaid, or any Certificate under the Hand of the said Registrar, and countersigned by the President or Two Members of the Council of the Pharmaceutical Society, shall be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons therein specified are registered according to the Provisions of the Pharmacy Act or of this Act, as the Case may be, and the Absence of the Name of any Person from such printed Register shall be Evidence, until the contrary shall be made to appear, that such Person is not registered according to the Provisions of the Pharmacy Act or of this Act.

Penalty on wilful Falsification of Register, or for obtaining Registration by false Representation.

14. Any Registrar who shall wilfully make or cause to be made any Falsification in any Matter relating to the said Registers, and any Person who shall wilfully procure or attempt to procure himself to be registered under the Pharmacy Act or under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, and any Person aiding or assisting him therein, shall be deemed guilty of a Misdemeanor in *England*, and in *Scotland* of a Crime or Offence punishable by Fine or Imprisonment, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding Twelve Months.

Protection of Titles, and Restrictions on Sale of Poisons.

15. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight any Person who shall sell or keep an open Shop for the retailing, dispensing, or compounding Poisons, or

 who

who shall take, use, or exhibit the Name or Title of Chemist and Druggist, or Chemist or Druggist, not being a duly registered Pharmaceutical Chemist, or Chemist and Druggist, or who shall take, use, or exhibit the Name or Title Pharmaceutical Chemist, Pharmaceutist, or Pharmacist, not being a Pharmaceutical Chemist, or shall fail to conform with any Regulation as to the keeping or selling of Poisons made in pursuance of this Act, or who shall compound any Medicines of the British Pharmacopeia except according to the Formularies of the said Pharmacopeia, shall for every such Offence be liable to pay a Penalty or Sum of Five Pounds, and the same may be sued for, recovered, and dealt with in the Manner provided by the Pharmacy Act for the Recovery of Penalties under that Act; but nothing in this Act contained shall prevent any Person from being liable to any other Penalty, Damages, or Punishment to which he would have been subject if this Act had not passed.

Reserving Rights of certain Persons.

16. Nothing herein-before contained shall extend to or interfere with the Business of any legally qualified Apothecary or of any Member of the Royal College of Veterinary Surgeons of *Great Britain*, nor with the making or dealing in Patent Medicines, nor with the Business of wholesale Dealers in supplying Poisons in the ordinary Course of wholesale Dealing; and upon the Decease of any Pharmaceutical Chemist or Chemist and Druggist actually in Business at the Time of his Death it shall be lawful for any Executor, Administrator, or Trustee of the Estate of such Pharmaceutical Chemist or Chemist and Druggist to continue such Business if and so long only as such Business shall be *bonâ fide* conducted by a duly qualified Assistant, and a duly qualified Assistant within the Meaning of this Clause shall be a Pharmaceutical Chemist or a Chemist and Druggist registered by the Registrar under the Pharmacy Act or this Act: Provided always, that Registration under this Act shall not entitle any Person so registered to practise Medicine or Surgery, or any Branch of Medicine or Surgery.

Regulations to be observed in the Sale of Poisons.

17. It shall be unlawful to sell any Poison, either by Wholesale or by Retail, unless the Box, Bottle, Vessel, Wrapper, or Cover in which such Poison is contained be distinctly labelled with the Name of the Article and the Word Poison, and with the Name and Address of the Seller of the Poison; and it shall be unlawful to sell any Poison of those which are in the First Part of Schedule (A.) to this Act, or may hereafter be added thereto under Section Two of this Act, to any Person unknown to the Seller, unless introduced by some Person known to the Seller; and on every Sale of any such Article the Seller shall, before Delivery, make or cause to be made an

an Entry in a Book to be kept for that Purpose stating, in the Form set forth in Schedule (F.) to this Act, the Date of the Sale, the Name and Address of the Purchaser, the Name and Quantity of the Article sold, and the Purpose for which it is stated by the Purchaser to be required, to which Entry the Signature of the Purchaser and of the Person, if any, who introduced him shall be affixed; and any Person selling Poison otherwise than is herein provided shall, upon a summary Conviction before Two Justices of the Peace in *England* or the Sheriff in *Scotland*, be liable to a Penalty not exceeding Five Pounds for the First Offence, and to a Penalty not exceeding Ten Pounds for the Second or any subsequent Offence, and for the Purposes of this Section the Person on whose Behalf any Sale is made by any Apprentice or Servant shall be deemed to be the Seller; but the Provisions of this Section, which are solely applicable to Poisons in the First Part of the Schedule (A.) to this Act, or which require that the Label shall contain the Name and Address of the Seller, shall not apply to Articles to be exported from *Great Britain* by wholesale Dealers, nor to Sales by wholesale to retail Dealers in the ordinary Course of wholesale Dealing, nor shall any of the Provisions of this Section apply to any Medicine supplied by a legally qualified Apothecary to his Patient, nor apply to any Article when forming Part of the Ingredients of any Medicine dispensed by a Person registered under this Act; provided such Medicine be labelled in the Manner aforesaid, with the Name and Address of the Seller, and the Ingredients thereof be entered, with the Name of the Person to whom it is sold or delivered, in a Book to be kept by the Seller for that Purpose; and nothing in this Act contained shall repeal or affect any of the Provisions of an Act of the Session holden in the Fourteenth and Fifteenth Years in the Reign of Her present Majesty, intituled *An Act to regulate the Sale of Arsenic.*

Chemists and Druggists in Business prior to passing of Act eligible for Election as Members of Pharmaceutical Society.

18. Every Person who at the Time of the passing of this Act is or has been in Business on his own Account as a Chemist and Druggist as aforesaid, and who shall be registered as a Chemist and Druggist, shall be eligible to be elected and continue a Member of the Pharmaceutical Society according to the Byelaws thereof; but no Person shall, in right of Membership acquired pursuant to this Clause, be placed on the Register of Pharmaceutical Chemists, nor, save as is herein-after expressly provided, be eligible for Election to the Council of the Pharmaceutical Society.

Council of Pharmaceutical Society.

19. Every Person who is or has been in Business on his own Account as a Chemist and Druggist as aforesaid at the Time of the passing of this Act, and who shall become a Member of the Pharmaceutical Society, shall be eligible for Election to the Council of the

the Pharmaceutical Society; but the said Council shall not at any Time contain more than Seven Members who are not on the Register of Pharmaceutical Chemists.

Chemists and Druggists registered eligible to be elected Associates, and, being in Business, have the Privilege of voting in the Society, on paying the same Subscriptions as Members.

20. Every Person who shall have been registered as a Chemist and Druggist under this Act by reason of having obtained a Certificate of Qualification from the Board of Examiners shall be eligible to be elected an Associate of the Pharmaceutical Society, and every such Person so elected and continuing as such Associate, being in Business on his own Account, shall have the Privilege of attending all Meetings of the said Society and of voting thereat, and otherwise taking Part in the Proceedings of such Meetings, in the same Manner as Members of the said Society: Provided always, that such Associates contribute to the Funds of the said Society the same Fees or Subscriptions as Members contribute for the Time being under the Byelaws thereof.

Voting Papers for Election of Council.

21. At all Meetings of the Pharmaceutical Society at which Votes shall be given for the Election of Officers all or any of the Votes may be given either personally or by Voting Papers in a Form to be defined in the Byelaws of the said Society, or in a Form to the like Effect, such Voting Papers being transmitted under Cover to the Secretary not less than One clear Day prior to the Day on which the Election is to take place.

Benevolent Fund may be applied to past Members and Associates, also to Pharmaceutical Chemists and registered Chemists and Druggists.

22. And whereas by the Charter of Incorporation of the said Pharmaceutical Society it is provided that the Council of the said Society shall have the sole Control and Management of the Real and Personal Property of the said Society, subject to the Byelaws thereof, and shall make Provision thereout, or out of such Part thereof as they shall think proper, for the Relief of the distressed Members or Associates of the said Society, and their Widows and Orphans, subject to the Regulations and Byelaws of the said Society: And whereas, for extending the Benefits which have resulted from the said Provision in the said Charter of Incorporation, it is desirable that additional Power should be granted to the said Council: Be it enacted, That from and after the passing of this Act the said Council may make Provision out of the Real and Personal Property aforesaid, and out of any special Fund known as the Benevolent Fund, not only for the Relief of the distressed Members or Associates of the said Society and their Widows and Orphans, subject to the said Regulations and Byelaws, but also for all Persons who may have been and have ceased to be Members or Associates of the said Society, or who may be or have been duly registered as "Pharmaceutical Chemists" or "Chemists and Druggists," and the Widows and

and Orphans of such Persons, subject to the Regulations and Bye laws of the said Society.

Registration under "Medical Act."

23. Persons registered under "The Medical Act" shall not be or continue to be registered under this Act.

Adulteration of Food or Drink Act to extend to Medicines.

24. The Provisions of the Act of the Twenty-third and Twenty-fourth of *Victoria*, Chapter Eighty-four, intituled *An Act for preventing the Adulteration of Articles of Food or Drink*, shall extend to all Articles usually taken or sold as Medicines, and every Adulteration of any such Article shall be deemed an Admixture injurious to Health; and any Person registered under this Act who sells any such Article adulterated shall, unless the contrary be proved, be deemed to have Knowledge of such Adulteration.

Acts of Privy Council.

25. On and after the passing of this Act all Powers vested by the Pharmacy Act in One of Her Majesty's Principal Secretaries of State shall be vested in the Privy Council, and the Seventh Section of the Public Health Act, 1858, shall apply to all Proceedings and Acts of the Privy Council herein authorized.

Power to Privy Council to erase Names of Persons from Register.

26. The Privy Council may direct the Name of any Person who is convicted of any Offence against this Act which in their Opinion renders him unfit to be on the Register under this Act to be erased from such Register, and it shall be the Duty of the Registrar to erase the same accordingly.

Extent of Act.

27. This Act shall not extend to *Ireland*.

Short Title.

28. This Act may be cited as The Pharmacy Act, 1868.

SCHEDULES.

SCHEDULE (A.)

PART 1.

Arsenic and its Preparations.
Prussic Acid.
Cyanides of Potassium and all metallic Cyanides.
Strychnine and all poisonous vegetable Alkaloids and their Salts.
Aconite and its Preparations.
Emetic Tartar.
Corrosive Sublimate.
Cantharides.
Savin and its Oil.
Ergot of Rye and its Preparations.

PART 2.

Oxalic Acid.
Chloroform.
Belladonna and its Preparations.
Essential Oil of Almonds unless deprived of its Prussic Acid.
Opium and all Preparations of Opium or of Poppies.

SCHEDULE (B.)

Name.	Residence.	Qualification.
A.B.	*Oxford Street, London.*	In Business prior to Pharmacy Act, 1868.
C.D.	*George Street, Edinburgh.*	Examined and certified.
E.F.	*Cheapside, London.*	Assistant prior to Pharmacy Act, 1868.

SCHE-

SCHEDULE (C.)

DECLARATION BY A PERSON WHO WAS IN BUSINESS AS A CHEMIST AND DRUGGIST IN GREAT BRITAIN BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I , residing at in the County of hereby declare that I was in Business as a Chemist and Druggist, in the keeping of open Shop for the compounding of the Prescriptions of duly qualified Medical Practitioners at in the County of , on or before the Day of 186 .

Signed (*Name.*)

Dated this Day of 18 .

SCHEDULE (D.)

DECLARATION TO BE SIGNED BY A DULY QUALIFIED MEDICAL PRACTITIONER, OR MAGISTRATE, RESPECTING A PERSON WHO WAS IN BUSINESS AS A CHEMIST AND DRUGGIST IN GREAT BRITAIN BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Parmaceutical Society of Great Britain.

I , residing at in the County of , hereby declare that I am a duly qualified Medical Practitioner [*or* Magistrate], and that to my Knowledge , residing at in the County of , was in Business as a Chemist and Druggist, in the keeping of open Shop for the compounding of the Prescriptions of duly qualified Medical Practitioners before the Day of 186 .

(*Signed*)

SCHEDULE (E.)

DECLARATIONS TO BE SIGNED BY AND ON BEHALF OF ANY ASSISTANT CLAIMING TO BE REGISTERED UNDER THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I hereby declare that the undersigned , residing at in the County of , had for Three

Three Years immediately before the passing of the Pharmacy Act, 1868, been employed in dispensing and compounding Prescriptions as an Assistant to a Pharmaceutical Chemist or Chemist and Druggist, and attained the Age of Twenty-one Years.

As witness my Hand, this Day of 186 .

A.B., duly qualified Medical Practitioner.
C.D., Pharmaceutical Chemist.
E.F., Chemist and Druggist.
G.H., Magistrate.

(*To be signed by One of the Four Parties named.*)

I hereby declare that I was an Assistant to
of in the County of in
the Year , and was for Three Years immediately before the passing of this Act actually engaged in dispensing and compounding Prescriptions, and that I had attained the full Age of Twenty-one Years at the Time of the passing of the Pharmacy Act, 1868.

N.O., Assistant.

SCHEDULE (F.)

Date.	Name of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.