

PHARMACY (AMENDMENT) ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 91, 1970.

An Act to make further provisions with respect to persons carrying on the business of a pharmacist in open shop or having a pecuniary interest in the business of a pharmacist carried on in open shop; for this purpose to amend the Pharmacy Act, 1964; and for purposes connected therewith. [Assented to, 9th December, 1970.]

BE

Pharmacy (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 91, 1970
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows :—

1. This Act may be cited as the "Pharmacy (Amend- Short title.
ment) Act, 1970".

2. (1) The Pharmacy Act, 1964, is amended—

Amendment
of Act No.
48, 1964.

(a) (i) by omitting subsection one of section twenty-
five and by inserting in lieu thereof the
following subsections :—

Sec. 25.
(Persons
other than
pharmacists
not to have
interest in
pharma-
cists' busi-
nesses.)

(1) A person (not being a pharmacist),
a corporation or a body of persons unincor-
porated shall not carry on, as owner or other-
wise, the business of a pharmacist in open
shop or otherwise have a pecuniary interest,
direct or indirect, in the business of a pharma-
cist carried on in open shop.

(1A) Subsection one of this section does
not prevent a body of persons unincorporated,
being a partnership consisting only of pharma-
cists and formed for the purpose of carrying
on, as owner or otherwise, the business of a
pharmacist in open shop or for the purpose of
otherwise having a pecuniary interest, direct or
indirect, in such a business carried on in open
shop, from so carrying on, or otherwise having
such a pecuniary interest in, such a business.

(ii) by inserting in paragraph (b) of subsection
two of the same section after the words "other
person" the words "(whether or not he is a
pharmacist)";

(iii)

Pharmacy (Amendment).

No. 91, 1970

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- (iii) by omitting from the same paragraph the words "continuing after the commencement of this Act to carry on such business where the carrying on of such business is so continued in the open shop (in this paragraph referred to as the "original open shop") in which it was being carried on immediately before such commencement" and by inserting in lieu thereof the words "carrying on, after that commencement, the business of a pharmacist, alone or as a partner of that other person, of that other person and a pharmacist or of a pharmacist, where the business is so carried on in that one open shop (in this paragraph referred to as the "original open shop")";
- (iv) by omitting from the same paragraph the words "in another open shop" and by inserting in lieu thereof the words ", with the approval in writing of the Minister, in another open shop";
- (v) by inserting next after the same paragraph the following new paragraph :—
- (b1) a pharmacist from carrying on the business of a pharmacist as a partner of a person who is entitled, by virtue of paragraph (b) of this subsection, to carry on such a business as a partner of another person and a pharmacist or of a pharmacist, where that firstmentioned pharmacist so carries on that business in the open shop in which that firstmentioned person is so entitled to carry on such a business; or

(b)

Pharmacy (Amendment).

- (b) (i) by omitting subsections one and two of section No. 91, 1970 twenty-six and by inserting in lieu thereof the following subsections :—

Sec. 26.

(Pharmacist not to carry on or have a pecuniary interest in more than one business of pharmacist.)

(1) A pharmacist shall not, either alone or as a partner of any other person—

(a) carry on (whether as owner or otherwise and whether alone or as a partner of any other person) the business of a pharmacist in more than one open shop ;

(b) otherwise have (whether alone or as a partner of any other person) a pecuniary interest, direct or indirect, in more than one business of a pharmacist carried on in open shop ;
or

(c) if he is carrying on (whether as owner or otherwise and whether alone or as a partner of any other person) the business of a pharmacist in open shop, otherwise have such a pecuniary interest in any other such business carried on in open shop.

(2) Notwithstanding subsection one of this section, not more than three persons who are pharmacists in partnership together may, as partners in that partnership—

(a) where there are two partners in the partnership, do any one of the following :—

(i) carry on the business of a pharmacist in not more than two open shops ;

(ii)

No. 91, 1970

- (ii) carry on the business of a pharmacist in one open shop and otherwise have a pecuniary interest, direct or indirect, in the business of a pharmacist carried on in one open shop; or
 - (iii) otherwise have such a pecuniary interest in two businesses, each of which is the business of a pharmacist carried on in open shop; or
- (b) where there are three partners in the partnership do any one of the following :—
- (i) carry on the business of a pharmacist in not more than three open shops;
 - (ii) carry on the business of a pharmacist in two open shops and otherwise have a pecuniary interest, direct or indirect, in the business of a pharmacist carried on in one open shop; or
 - (iii) carry on the business of a pharmacist in one open shop and otherwise have such a pecuniary interest in two businesses, each of which is the business of a pharmacist carried on in open shop; or

(iv)

Pharmacy (Amendment).

(iv) otherwise have such a pecuniary interest in three businesses, each of which is the business of a pharmacist carried on in open shop. No. 91, 1970

(ii) by inserting at the end of paragraph (b) of subsection three of the same section the following word and new paragraph :—

; or

(c) a pharmacist or a body of persons unincorporated, being a partnership consisting only of pharmacists, from continuing after the commencement of the Pharmacy (Amendment) Act, 1970, to have a pecuniary interest, direct or indirect, in the business of a pharmacist carried on in open shop (other than an interest by reason of the carrying on of such business by such pharmacist or body), being the same interest as he lawfully had immediately before that commencement until the expiration of a period of one year after that commencement or the expiration of any agreement under which he has that pecuniary interest, whichever first occurs.

(c) by omitting from paragraph (c) of section thirty-seven the word “or” where thirdly occurring and by inserting in lieu thereof the word “of”. Sec. 37. (Evidence.)

(2) Except as provided by subsection three of this section, the amendments made by subparagraphs (ii), (iii), (iv) and (v) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the sixteenth day of July, one thousand nine hundred and sixty-five.

(3)

Pharmacy (Amendment).

No. 91, 1970

(3) The amendment made by subparagraph (iv) of paragraph (a) of subsection one of this section shall not be deemed to have applied to a person referred to in paragraph (b) of subsection two of section twenty-five of the Pharmacy Act, 1964, as amended by subparagraphs (ii) and (iii) of paragraph (a) of subsection one, and as deemed to have been in force by reason of the operation of subsection two, of this section who commenced to carry on the business of a pharmacist in an open shop, other than his original open shop referred to in the said paragraph (b), between the seventeenth day of April, one thousand nine hundred and sixty-nine and the commencement of this Act.

Certain
agreements
deemed to
be at an
end.

3. If the expiration of the period of one year referred to in paragraph (c) of subsection three of section twenty-six of the Pharmacy Act, 1964, as inserted by subparagraph (ii) of paragraph (b) of subsection one of section two of this Act, occurs before the expiration of any agreement so referred to—

- (a) any agreement whereby the parties to the agreement so referred to are entitled to a pecuniary interest, direct or indirect, in the business of a pharmacist carried on in open shop; and
- (b) any lease, granted by those parties, of, or licence or other right, granted by those parties, to occupy, any premises in which the business of a pharmacist, in which those parties have a pecuniary interest, direct or indirect, is being carried on,

shall, at the expiration of that period, be deemed to be at an end.

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