

**Law, (enacted by the Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof), for amending the laws relating to the practice and sale of medicine in the Colony of Natal.**

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No. 37, 1884.]

(Signed) HENRY BULWER,  
Governor.



## LAW,

*(Enacted by the Governor of the Colony of Natal, with the  
advice and consent of the Legislative Council thereof.)*

“For amending the Laws relating to the Practice and Sale of  
Medicine in the Colony of Natal.”

WHEREAS an Ordinance was passed by the Legislative Council Preamble.  
of the District of Natal, on the 1st day of September, 1856,  
to make provision for the admission of duly qualified persons to  
practise in the said District as Physicians, Surgeons, Surgeon  
Accoucheurs, Apothecaries, and Chemists and Druggists, and for  
the better regulating the Sale of Drugs and Medicines, and whereas  
it is expedient to amend the same :

BE IT THEREFORE ENACTED by the Governor of the Colony of  
Natal, with the advice and consent of the Legislative Council  
thereof, as follows :—

1. The Ordinance dated 1st day of September, 1856, entitled  
an “ Ordinance to make provision for the admission of duly quali-  
fied persons to practise in this District as Physicians, Surgeons,  
Surgeon Accoucheurs, Apothecaries, and Chemists and Druggists,  
and for the better regulating of the sale of Drugs and Medicines,”  
shall be and is hereby repealed. Repeal of Ordi-  
nance 2 of 1856.

2. Nothing herein shall affect any act or thing lawfully done,  
or any right or privilege acquired, or any license granted under the  
said Ordinance before the coming into operation of this Law, and  
all offences committed and all penalties incurred and proceedings  
commenced against or under the said Ordinance before the coming  
into operation of this Law shall be prosecuted, enforced, and con-  
tinued respectively as if this Law had not been passed. This Law not to  
affect license  
granted or pro-  
ceedings taken  
under Ordinance  
2 of 1856.



Governor may appoint Committee of Medical Practitioners to be styled "Natal Medical Board."

Members of Medical Committee may continue to be Members of Medical Board.

Governor may nominate President.  
Quorum.

Qualifications entitling applicant to obtain license to practise from Medical Board.

Fee for license.

How person registered under Imperial Acts as Practitioner in Medicine and Surgery may obtain a license from Medical Board.

Fee for such license.

Any Medical Officer of Her Majesty's Land or Sea Forces on full pay in the Colony considered Medical Practitioner under this Law.

Colonial or Foreign University diplomas, &c.

3. The Governor in Council may appoint a Committee, consisting of not less than five members, being duly qualified Medical Practitioners, under the style of the Natal Medical Board, and may, from time to time, remove the said members, or any of them, and may upon the removal, death, or resignation of any member of the Board, appoint such other duly qualified Medical Practitioner as the Governor in Council shall think fit: Provided that the members of the Natal Medical Committee, at the time of the coming into operation of this Law, may be and may continue to be members of the Medical Board under this Law until lawfully removed.

4. The Governor may nominate the President of the said Board. Three members of the said Board shall form a quorum, and in the absence of the President from any meeting of the Board, one of the members present may be elected chairman of such meeting.

5. Every subject of Her Majesty possessed of any one or more of the qualifications described in the first Schedule hereto, who shall prove on personal attendance, to the satisfaction of the Medical Board, that the testimonial, diploma, license, or certificate, testifying to such qualification, was duly obtained by him after due examination from some one of the said universities, shall be, and be deemed to be, and shall be entitled to practise as a legally qualified Medical Practitioner, and shall receive from the Medical Board a license to practise. Upon every such license there shall be paid a fee of Three Guineas.

6. Any person registered under the Imperial Acts regulating the qualifications of Practitioners in Medicine and Surgery may present to the Natal Medical Board a certificate of such registry, authenticated by a declaration made before a Resident Magistrate, which declaration shall state that the declarant is the person mentioned in the certificate, and the said Board are authorised, upon satisfactory proof to them, to issue a license to such person to practise Medicine or Surgery as a duly qualified practitioner. Upon every such license there shall be paid a fee of One Guinea.

7. Any duly appointed Medical Officer of Her Majesty's Land or Sea Forces on full pay in this Colony shall, so long as he is on duty on full pay in this Colony, be considered a duly qualified Medical Practitioner under this Law.

8. Any person who shall now possess or hereafter become possessed of a testimonial, diploma, license, or certificate, of any Colonial or Foreign University testifying to his qualification to practise as a Physician, Surgeon, or Accoucheur, who shall personally appear before and prove to the satisfaction of the said Medical Board that the said testimonial, license, diploma, or certificate, was obtained by him after due examination from the said Colonial or Foreign University, and that such testimonial, license, or certificate, would entitle him to practise in the colony or country where it was obtained, may receive a license as a duly qualified Medical Practitioner.



9. If any person fraudulently or by false representation obtain a license as a legally qualified Medical Practitioner under this Law, or shall forge, alter, or counterfeit any such license he shall be deemed guilty of the crime of fraud, and being thereof duly convicted shall be liable to be imprisoned, with or without hard labour, for a period not exceeding one year.

Penalty for fraudulently obtaining license under this Law.

10. No person shall hold any appointment as a Physician, Surgeon, Licentiate in Medicine or Surgery, or Accoucheur, or other Medical Practitioner in the Government Service, whether as District Surgeon or in any Hospital (Coolie or otherwise), or under any Law requiring the employment of a medical man for Coolie, quarantine, or other purposes, unless he shall be a duly qualified practitioner under this Law.

Medical Practitioners in the Government service to be duly qualified under this Law.

11. Any person who has served as an apprentice for a period of not less than four years to any regularly licensed Apothecary, Chemist, or Druggist, in this Colony or elsewhere, and is of the full age of twenty-one years, may obtain a license from the Governor to practise as an Apothecary, Chemist, or Druggist, on passing an examination before the said Medical Board to the satisfaction of the examining members; and upon such license there shall be payable a fee of One Guinea: Provided always, that no such license shall be granted until the examination has been duly held, and the result of the same duly reported to the Governor. Any person who shall present proof that he has passed the minor or major examination of the Pharmaceutical Society of Great Britain or the examination of the Irish Pharmaceutical Society, shall be entitled to obtain a license to practise as a Chemist and Druggist in this Colony.

Qualifications necessary to practise as Apothecary, Chemist, or Druggist.

Fee for license. Proviso.

Person having passed minor or major examination of Pharmaceutical Society of Great Britain or Ireland entitled to license.

12. Every duly qualified Medical Practitioner may compound his own prescriptions, and any Licensed Medical Practitioner now established in a village in which, or within five miles of which, no licensed apothecary, chemist, or druggist, is now established, may, besides compounding his own prescriptions, keep an open shop, if he should think fit, and sell drugs and medicines by retail.

Qualified Medical Practitioner may compound his own prescriptions.

What Medical Practitioners may keep shops for sale of medicines and drugs.

13. A list of all licensed Physicians, Surgeons, Accoucheurs, Apothecaries, Chemists and Druggists, with their places of residence, if known, shall be published annually, in the month of January, in the *Government Gazette*, and a copy of such list shall be placed and retained in the office of each Resident Magistrate throughout the Colony, where it shall be open to the inspection of any person demanding to see the same. And any person without a license who shall practise as a Physician, Surgeon, or Accoucheur, or act as an Apothecary, Chemist, or Druggist, or prepare or compound drugs or medicines, whether from medical prescription or otherwise, except for private or domestic use, or sell drugs or medicines by retail except as in this Law provided, shall be deemed to have contravened this Law, and upon conviction of any such contravention shall be liable to a penalty not exceeding £50: Provided always, that any Storekeeper shall be at liberty to sell patent medicines, and if no qualified Apothecary, Chemist, or Druggist, be carrying on business within a distance of four miles, any Store-

List of Medical Practitioners, Apothecaries, &c., to be published in *Government Gazette* annually in January, and such list to be kept at Magistrates for inspection.

Penalty for contravening this Law.

Proviso as to sale of patent medicines.



keeper shall be at liberty to supply drugs or medicines in packages properly labelled and prepared by any Chemist and Druggist residing in the Colony.

No unlicensed person can recover payment for services.

14. No person who is not duly licensed, or exempted from such license as aforesaid, shall be entitled to recover, in any Court in this Colony, any fee or other payment for medical or surgical service rendered after the passing of this Law, either to the Government or any private individual.

Provisions as to sale of poisons.

15. Every person authorised to deal in drugs and medicines under this Law, shall keep all poisons mentioned in Part 1 of the Second Schedule to this Law, in vessels or packages conspicuously labelled "Poison;" and on selling any poison mentioned in Part 2 of the Second Schedule, shall properly and conspicuously label or write the word "Poison" on every package or vessel containing such poison, together with the name of the article and the name and address of the seller. And any person so authorised, neglecting so to do shall be liable, upon conviction, to a penalty not exceeding £5, or less than £1.

Penalty for contravention.

Particulars regarding sales of poisons to be entered in a book.

16. Every person authorised to deal in drugs and medicines under this Law, or selling any poison, mentioned in Part 1 of the Second Schedule to this Law, shall, in addition to labelling every package or vessel containing such poison, with the name of the article, the word "Poison," and the name and address of the seller, enter in a book, to be specially used for that purpose, the name and address of the purchaser, the description and quantity of poison sold, and the purposes for which it is stated to be required: Provided that no person so authorised shall sell or dispose of any poison mentioned in Part 1 of the Second Schedule of this Law, to any person not personally known to him, unless the purchaser is introduced by some resident in the town or village where such poison is sold, who is personally known to the seller, and who shall also sign the book above mentioned. And every person so authorised neglecting or omitting to comply with the above regulations shall be liable, on conviction, to a fine not exceeding £5, and not less than £1.

Proviso.

Penalty for neglecting to comply with regulations.

Regulations not to apply to sale to Medical Practitioner, or to poison in medical prescription.

Proviso.

17. The above regulations shall not apply to the sale of poisons to any registered Medical Practitioner, known to be such by the seller; nor to any poison forming part of a Medical prescription, provided the said prescription is copied into a book kept for that purpose, and the package or vessel containing the medicine is duly labelled, as directed by the prescribing Medical Practitioner.

This Law not to apply to Veterinary Surgeons.

18. Nothing in this Law contained shall extend to or interfere with the business of any member of the Royal College of Veterinary Surgeons of Great Britain with regard to the making and sale of medicines for animals.

Executors of deceased chemist may carry on business if conducted by registered chemist and druggist.

19. Upon the decease of any 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 Chemist and Druggist to continue such business if, and so long only as, such business shall be *bona fide* conducted by a registered Chemist and Druggist of this Colony.



20. All Apothecaries, Chemists, and Druggists shall prepare their medicines according to the British Pharmacopeia, unless otherwise directed by the prescribing Medical Practitioner.

Apothecaries to prepare medicines according to British Pharmacopeia.

21. All fees payable under this Law shall be paid into the Colonial Treasury, and form part of the Colonial revenue.

Fees under this Law to be paid into Colonial Treasury.

22. All contraventions of the provisions of this Law shall be prosecuted by or on behalf of the Attorney-General, at the instance of any person complaining of any infringement thereof.

Contraventions of this Law, how prosecuted.

23. All penalties imposed by this Law shall be recoverable before the Resident Magistrate of the County or Division within which the offence has been committed, and shall be paid into the Colonial Treasury: Provided that the Governor may in any case award the whole or any portion of any penalty imposed and recovered to any person upon whose information the offender was convicted.

Penalties recoverable before Court of Resident Magistrate, Governor may award penalty to informer.

24. This Law shall commence and have effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Law.

## SCHEDULE I.

Schedule of qualifications referred to in Section 5.

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member or Licentiate in Midwifery of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.



7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.

8. Licentiate of the Society of Apothecaries, London.

9. Licentiate of the Apothecaries' Hall, Dublin.

10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery, of any University of the United Kingdom.

Schedule of  
Poisons.

## SCHEDULE II.

### PART 1.

Arsenic and its preparations.

Prussic Acid and preparations thereof.

Cyanide of Potassium and all Metallic Cyanides, and preparations of Cyanides of Potassium and of all Metallic Cyanides.

Strychnine and all poisonous Vegetable Alkaloids and their Salts ; also, all preparations of Strychnine and Atropine.

Aconite and its preparations.

Emetic Tartar.

Corrosive Sublimate.

Cantharides.

Savin and its Oil.

Ergot of Rye and its preparations.

### PART 2.

Oxalic Acid.

Chloral Hydrate and its preparations.

Chloroform.

Belladonna and its preparations.

Essential Oil of Almonds, unless deprived of its Prussic Acid.

Opium and all preparations of Opium or of Poppies.

Preparations of Corrosive Sublimate.



Preparations of Morphine.

Red Oxide of Mercury.

Ammoniated Mercury.

Every compound containing any poison when prepared and sold for the destruction of vermin. The tincture and all vesicating liquid preparations of cantharides.

Nux Vomica and its preparations.

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Given at Government House, Natal, this Eighth  
day of November, 1884.

By command of His Excellency the Governor,

(Signed) C. B. H. MITCHELL,  
Colonial Secretary.



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