

REPRINT

PHARMACY AND POISONS ACT (CAP. 105)

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AN ACT TO CONTROL THE PRACTICE OF PHARMACY AND THE SALE AND DISTRIBUTION OF POISONS

PHARMACY AND POISONS ACT (CAP. 105)

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PART I

1 Short title

This Act may be cited as the *Pharmacy and Poisons Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“Board” means the Pharmacy and Poisons Board appointed under this Act;

“Chairman” means the Chairman of the Board appointed under this Act;

“Court” means the High Court;

“member” means a member of the Board constituted under this Act;

“poison” includes the several substances mentioned in the poisons list in Schedule B;

“qualified medical practitioner”, “qualified dentist” and **“qualified veterinary surgeon”** means a medical practitioner, a dentist and a veterinary surgeon respectively holding a diploma or certificate entitling him to practise his profession in the United Kingdom or in any other country approved by the Minister;

“register” means the register of pharmacists registered under this Act;

“registered pharmacist” means a person registered under this Act;

“Under Secretary (Health), Ministry of Health and Medical Services” means the officer for the time being holding the office of Under Secretary (Health), Ministry of Health and Medical Services.

PART II ADMINISTRATION

3 The Pharmacy and Poisons Board

- (1) For the purposes of this Act there is hereby constituted an authority to be called the “Pharmacy and Poisons Board”.
- (2) The Board shall be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall deem that it was duly affixed.

4 Members of Board

- (1) The Board shall consist of the Under Secretary (Health), Ministry of Health and Medical Services and of two members who shall be appointed from time to time by the Minister.
- (2) The Under Secretary (Health), Ministry of Health and Medical Services shall be *ex officio* Chairman of the Board.
- (3) The Chairman and one member shall form a quorum.
- (4) The Chairman shall have an original vote and, in the event of equality of voting, a second or casting vote.

5 Meetings of the Board

All meetings of the Board shall be convened by the Chairman by notice in writing to the other members of the Board, specifying the time and place of meeting.

6 Board may summon person to attend and give evidence

- (1) For the purposes of this Act the Board may, by writing under the hand of the Chairman, summon any person to attend the meeting of the Board at a time and place named in the summons, and then and there to give evidence, and to produce any books, documents or writings in his custody or control which he is required by the summons to produce.

- (2) The Board may in its discretion, on the application of any party to any proceedings before the Board, by writing under the hand of the Chairman, summon any person to appear as a witness before the Board.

7 Chairman may administer oath

The Chairman of the Board may administer an oath to any person appearing before the Board, whether the witness has been summoned or appears without being summoned before the Board, and may examine the witness upon oath.

8 Person failing to appear when summoned

If any person served with a summons to attend the Board fails without reasonable cause to attend the Board or to produce any documents, books or writings in his custody or control, which he was required by the summons to produce, he shall be guilty of an offence and shall be liable to a penalty of one hundred dollars.

9 Person refusing to make oath

If any person appearing as a witness before the Board refuses to be sworn, or to answer any question relevant to the proceedings before the Board put to him by any member thereof, he shall be guilty of an offence and shall be liable to a penalty of one hundred dollars:

Provided that nothing contained in this section shall render any person compellable to answer any question in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court.

10 False testimony Members not liable for acts of Board

Any witness before the Board who knowingly gives false testimony touching any matter material to any inquiry shall be guilty of an offence, and shall be liable to a penalty of two hundred dollars or to imprisonment for twelve months.

11 Members not liable for acts of Board

The members of the Board shall not be personally liable for any act

or default of the Board done or omitted to be done, in good faith, in administering this Act.

12 Fees

- (1) The Board may demand and collect, in advance, such fees as are prescribed.
- (2) Such fees and all penalties and other moneys received or realised under this Act or under any rules made hereunder shall be paid into general revenue.

13 Power of search

Any person thereto authorised in writing by the Chairman may enter any premises in which any pharmacist or licensed seller of poisons or medicines is carrying on business and may examine any books, papers, records or writings, drugs or medicines, whether patent or otherwise, or any article stored or offered for sale or used in the business.

14 Secretary and inspectors

- (1) The Minister may appoint from time to time a secretary to the Board.
- (2) The Minister may appoint inspectors for the purposes of enforcing the provisions of this Act or any rules made thereunder.

15 Powers of inspectors

For the purposes of enforcing the provisions of this Act or rules made hereunder, any inspector so appointed shall have the power at all reasonable times to enter upon the premises of any registered pharmacist or licensed seller of poisons or medicines and to inspect any books, papers, records or writings, drugs or medicines, whether patent or otherwise, or any article stored or offered for sale or used in the business; and shall have the power at all reasonable times to enter any premises in which he has reasonable cause to suspect that a breach of the law has been or is being committed, and to make such examination and inquiry and to do such other things (including the taking, on payment therefor, of samples) as may be necessary for the purpose of ascertaining whether the provisions aforesaid are

being complied with.

PART III PHARMACISTS

16 Register of Pharmacists

The Board shall keep a register to be called the “**Register of Pharmacists**”.

17 Pharmacists how registered

- (1) A person shall be registered by the entry in the register of his name and such other particulars relating to him as are prescribed.
- (2) Every such entry in the register shall be signed by the Registrar of the Board.
- (3) The Under Secretary (Health), Ministry of Health and Medical Services shall be the Registrar.

18 Persons eligible for registration

- (1) Subject to the provisions of this Act any person who is of good fame and character and who has passed the final examination of the Pharmaceutical Society of Great Britain or Northern Ireland, may be registered under the provisions of this Act.
- (2) The Board may in its discretion, admit to the register any person who holds a pharmaceutical qualification other than that referred to in sub-section (1).
- (3) No person shall be registered unless he has attained the age of twenty-one years.

19 Board may direct examination of applicant

- (1) The Board may direct that any person applying for registration as a pharmacist shall pass an examination and for that purpose may appoint an Examination Board consisting of the Under Secretary (Health), Ministry of Health and Medical Services as Chairman and of one or more members who shall be registered as pharmacists.
- (2) The Board, by rules made under this Act with the approval of the

Minister, may prescribe fees for such examination not exceeding ten dollars.

20 Registration of applicants

When any person has applied to be registered and has proved to the satisfaction of the Board:

- (a) that he has attained the age of twenty-one years;
- (b) that he is entitled to be registered by virtue of compliance with the requirements mentioned in sections 18 or 19; and
- (c) that the certificate or diploma testifying to his qualification was, after examination, duly obtained by him from such a Society, Board or College as is specified in section 18; and that in the period in which he has held the certificate or diploma, his name has not been removed from the register of any country, Dominion or State for any cause which would on its happening disqualify him from being registered under this Act,

the Board shall cause the person to be registered, by entering in the register his name and such other particulars as may be prescribed, and issue to him, upon payment of the prescribed fee, a certificate in the prescribed form.

21 Appeal against refusal of Board to register

- (1) If the Board refuses to register any person under this Act, the Board shall, if required by such person, state in writing the reasons for such refusal.
- (2) Such person may thereupon appeal to the Court.
- (3) An appeal under this section shall be by way of special case on any question of fact or law, and the Board shall, if the Court so orders, register the said person.

22 Copy of register to be published

- (1) During the month of January in each year the Board shall cause to be published in the *Gazette* a true copy of the register.

- (2) A copy of the register so published shall be *prima facie* evidence of the registration of the persons named therein.

23 Fraudulent representation

Any person who procures himself to be registered under this Act by means of any false or fraudulent representation or by the production of any false certificate or diploma shall be guilty of an offence and shall be liable to a penalty of two hundred dollars or to imprisonment for six months.

24 Amendments may be made in register

Any registered pharmacist who obtains or already possesses any higher degree, or any qualification other than the one qualification in respect of which he is registered, may have such higher degree or additional qualification entered in the register without payment of any additional fee.

25 Notification of change of address or death

- (1) Any registered pharmacist who changes his professional address shall forthwith give notice of the fact in writing to the Chairman.
- (2) The Minister, upon receipt of a copy of the certificate of death of any pharmacist, shall cause notice thereof to be given in writing to the Chairman.

26 Correction of register

- (1) The Board shall remove from the register the name of any registered pharmacist who has died and may make such alterations and amendments in the register as it thinks fit.
- (2) The Board may, by notice in writing to any registered pharmacist addressed to him by registered post according to his address in the register, inquire whether he has changed his address or residence, and if an answer is not returned to such notice within six months after the date of the posting thereof, the Board may remove the name of such person from the register.
- (3) The name of any registered pharmacist removed from the register

under this Part of this Act be restored by the Board.

27 Corporate body may carry on business of pharmacist

- (1) Subject to the provisions of this section, a body corporate carrying on a business which comprises the retail sale of drugs shall be an authorised seller of poisons, within the meaning of this Act, if the following conditions are complied with:
 - (a) the business shall, so far as concerns the keeping, dispensing and compounding of drugs and poisons, be under the management of a superintendent in relation to whom the following requirements are fulfilled:
 - (i) he shall be a registered pharmacist;
 - (ii) a statement in writing, signed by him on behalf of the body corporate, stating his name and stating whether or not he is a member of the board of directors shall have been sent to the Registrar;
 - (iii) he shall not be acting at the time in a similar capacity for any other body corporate; and
 - (b) in each set of premises where the business is carried on, the business shall, so far as concerns the retail sale of drugs, if not under the personal control of the superintendent, be carried on, subject to the directions of the superintendent under the personal control of a manager or assistant who is a registered pharmacist; and
 - (c) the name and the certificate of registration of the person having the control of the business as aforesaid, whether he is the superintendent or some other person, shall be conspicuously exhibited in the premises.
- (2) Notwithstanding the restrictions imposed by the provisions of this Act on the use of certain titles, emblems and descriptions, a body corporate which is an authorised seller of poisons may, if all the members of the board of directors are registered pharmacists, use the description of “chemist and druggist”, or of “chemist”, or of “druggist”, or of “dispensing chemist”, or of “dispensing druggist”; and

may use the description of “pharmacy” in connection with the business:

Provided that nothing in this subsection shall authorise the use of any of the said descriptions in or upon any premises which are for the time being disqualified under this section from being registered in the register of premises, or in connection with any business so far as it is carried on in any premises so disqualified.

(3) If:

- (a) a body corporate which is an authorised seller of poisons has been convicted of any offence under this Act; or
- (b) any member of the board of directors, or any officer of that body, or any person employed by that body in carrying on the business, has been convicted of any such criminal offence or been guilty of any such misconduct as, in the opinion of the Board, renders him or would, if he were a registered pharmacist, render him unfit to be on the register,

the Board may inquire into the case and may, subject to the provisions of this Act, direct:

- (i) that the body corporate shall cease to be an authorised seller of poisons and be disqualified for such period as may be specified in the direction from being an authorised seller of poisons; or
 - (ii) that any or all of the premises of the body corporate shall be removed from the register of premises and be disqualified, for such period as may be specified in the direction, from being registered therein.
- (4) If the Board thinks fit in any case so to do, it may, either on its own motion or on the application of the body corporate concerned, direct that any disqualification imposed under this section shall cease:

Provided that where an appeal has been brought to the Court against a direction involving a period of disqualification, a direction under this subsection for a cesser of any disqualification subsisting by virtue of the direction as originally given, shall not take effect unless approved

by the Minister.

- (5) Any body corporate which has been disqualified in pursuance of this section may appeal by way of special case to the Court on any question of fact or law affecting the aforesaid disqualification, and the Board shall, if the Court so orders, set aside or modify the disqualification.
- (6) The body corporate shall pay for each separate set of premises a licence fee of ten dollars.

PART IV CONDUCT OF BUSINESS AS PHARMACIST

28 Grounds of removal of name from register

- (1) The Board shall remove from the register the name of any person:
 - (a) whose registration has been obtained by fraud or misrepresentation;
 - (b) who has ceased to possess, or does not possess, the qualifications in respect of which he was registered;
 - (c) who has been convicted in any part of Her Majesty's dominions, or elsewhere, of an indictable offence, or of any other offence which in the opinion of the Board renders him unfit to practise;
 - (d) who has been certified to be of unsound mind; or
 - (e) who is deemed by the Board guilty of:
 - (i) habitual drunkenness or habitual addiction to any drug;
 - (ii) such improper conduct as in the opinion of the Board renders him unfit to be allowed to continue to practise as a pharmacist.
- (2) If the Board removes the name of any person from the register, it shall, if so required by him, state in writing the reason for the removal.
- (3) Any person whose name has been removed from the register in pursuance of this section may appeal, by way of special case as aforesaid, to the Court to have his name restored to the register, and

the Board shall, if the Court so orders, restore his name to the register.

29 Inquiry by the Board

- (1) Before removing from the register the name of any person, the Board shall make due inquiry, and such person may be represented by counsel, attorney or agent, who may examine witnesses and address the Board on his behalf.
- (2) Pending the hearing of a charge against any person, the Board may suspend the registration of that person, who shall thereupon cease to practise.

30 Surrender of certificate of registration

Any person whose name is removed from the register under section 28 shall, within fourteen days after the posting of a notice demanding the return of his certificate of registration, surrender his certificate to the Board for cancellation; and any person who fails so to do shall be liable to a penalty of ten dollars for every day after the period of fourteen days during which the certificate is not returned.

31 Persons other than registered pharmacists not to carry on business

- (1) Any person other than a registered pharmacist who carries on, or attempts to carry on, in any place or on any occasion, the business of a pharmacist, or pretends to be a pharmacist, or assumes or uses the title of pharmaceutical chemist, pharmacist, druggist, homeopathic chemist, dispensing chemist, or of member of any Pharmaceutical Society or Board, or takes or uses, in connection with the sale of goods, the title of chemist, shall be guilty of an offence, and shall be liable to a penalty of one thousand dollars.
- (2) No person shall use, in connection with any business, any title, emblem or description reasonably calculated to suggest that he, or anyone employed in the business, possesses any qualification with respect to the selling, dispensing or compounding of drugs or poisons, other than the qualification which he in fact possesses.

For the purposes of this subsection the use of the description

“pharmacy”, in connection with a business carried on on any premises, shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having the control of the business on these premises are registered pharmacists.

- (3) If any person acts in contravention of the foregoing provisions of this section, he shall be liable, in respect of each offence, to a fine of one thousand dollars, and in the case of a continuing offence, to a further fine of fifty dollars for every day, subsequent to the day on which he is convicted of the offence, during which the offence continues.

32 Death, unsoundness of mind or bankruptcy of pharmacist

- (1) Subject to the provisions of this section, if a registered pharmacist who is an authorised seller of poisons dies, or becomes of unsound mind, or is adjudged bankrupt, or enters into any arrangement with his creditors, any representatives who thereafter carry on his business in accordance with the conditions hereinafter specified and are persons in relation to whom the requirements of this section are satisfied, shall, for the purposes of that business and during the period specified in subsection (4), be authorised sellers of poisons within the meaning of this Acts, and be entitled to use, in conjunction with the business name of the pharmacist, such titles, emblems and descriptions as might have been used by the pharmacist.
- (2) The conditions referred to in subsection (1) are as follows:
 - (a) in each set of premises where the business is carried on, the business, so far as concerns the retail sale of drugs, must be under the personal control of a registered pharmacist; and
 - (b) the name and certificate of registration of the person having the control of the business as aforesaid must be conspicuously exhibited in the premises.
- (3) The requirements to be satisfied under subsection (1) in relation to the representatives are, that their names and addresses must be registered with the Registrar together with a statement of the name of the pharmacist whose representatives they are.
- (4) The period referred to in subsection (1) shall be:

- (a) in the case of the death of a pharmacist, a period of five years from the date thereof;
- (b) in the case of the unsoundness of mind or bankruptcy of a pharmacist, a period of three years from the date when he became of unsound mind or was adjudged bankrupt;
- (c) in the case of an arrangement with the creditors of a pharmacist, a period of three years from the date when the representatives became entitled thereunder to carry on his business,

or such longer period as, on the application of the representatives, the Board may, having regard to all the circumstances of the case, think fit to direct.

- (5) If a representative, or a person employed by the representatives in the carrying on of the business, has been convicted of any such criminal offence or been guilty of any such misconduct as, in the opinion of the Board, renders him, or would, if he were a registered pharmacist, render him unfit to be on the register, the Board, after making inquiry into the case, may, subject to the provisions of this Act, direct that the representatives shall cease to be authorised sellers of poisons, and cease to be entitled to use the titles, emblems and descriptions which might have been used by the pharmacist.
- (6) In this section the expression “**representative**” means an executor, administrator, trustee or committee, or a person authorised to exercise, in relation to a person of unsound mind not so found by inquisition, any of the powers of a committee, and, in respect of the period of three months after the death of a pharmacist leaving no executor who is entitled and willing to carry on his business, any person beneficially interested in the estate of the pharmacist.

33 Name of pharmacist to be exhibited

Every pharmacist and every person or assistant under whose conduct or management the business of a pharmacist is carried on, shall have his name legibly painted or written and continually so maintained on a conspicuous place on the front of the building where the business is carried on.

34 Only pharmacists to dispense

Save as hereinafter provided, no person other than a registered pharmacist or a *bona fide* assistant to a registered pharmacist, under the immediate and personal supervision and control of a registered pharmacist, shall dispense or compound, for fee or reward, any drug or medicine.

35 Temporary licence

- (1) The Board may, upon the application of any registered pharmacist, issue a temporary permit to a pharmacist who possesses the qualifications mentioned in section 18, to act as *locum tenens* for such registered pharmacist for a period of three calendar months from the date of issue of the permit.
- (2) The Board may renew any such permit for a further period of three months, but not for any longer period.
- (3) The Board shall prescribe fees for such permit.

36 Prescriptions to be signed

- (1) A medical practitioner shall not issue a prescription unless the prescription is signed by him with his usual signature, or is written on paper on which is printed his surname and the initials of his christian names, and bears the date on which the prescription was issued.
- (2) A prescription issued by a qualified veterinary surgeon shall, in addition to fulfilling the conditions laid down in the preceding subsection, bear the words “for veterinary purposes only”.
- (3) A prescription issued by a qualified dentist shall, in addition to fulfilling the conditions laid down in subsection (1), bear the words “for dental purposes only”.
- (4) A prescription which does not comply with the provisions of this section shall not be accepted by any pharmacist as authority for the sale or supply of any medicine or drug.

37 Record of prescriptions

- (1) Every pharmacist shall, as prescribed, record in a book (hereinafter

called the “prescription book”) to be kept by him for that purpose, every prescription of any medical practitioner dispensed, compounded or made up or supplied by him.

- (2) Every prescription, whether issued by a qualified medical practitioner, qualified veterinary surgeon or qualified dentist, containing any of the drugs to which any Act as to the sale of dangerous drugs, for the time being in force, relates, shall be retained in the custody of the pharmacist dispensing the same for a period of two years and filed in the pharmacy.
- (3) The prescription book shall be open for inspection by any inspector appointed under section 14.

38 Conduct of business by pharmacist

A pharmacist shall not:

- (a) keep or maintain any shop for selling or supplying medicines or drugs or for dispensing or compounding prescriptions, unless such shop is, while open for business, constantly under his own control or that of some other registered pharmacist as an assistant or agent of a registered pharmacist;
- (b) permit any person, other than a *bona fide* assistant or apprentice in the course of his employment and under the actual personal supervision of a registered pharmacist, to sell, supply, compound or dispense medicines or drugs;
- (c) permit any person, other than a registered pharmacist, to dispense or compound any prescription or supply any medicine or drugs containing any of the dangerous drugs to which subsection (2) of section 37 relates;
- (d) carry on business except under the actual personal supervision of himself or some other registered pharmacist;
- (e) practise pharmacy except under his own name;
- (f) adopt the title “Consulting Chemist”;
- (g) give medical or surgical advice or aid, except in his place of

business and:

- (i) in the case of simple ailments of common occurrence;
 - (ii) in the administration of antidotes in the case of acute poisoning;
 - (iii) in the application of immediate aid in cases of accident or injury; or
 - (iv) in urgent cases under the direct instructions of a qualified medical practitioner;
- (h) allow his name to be used in connection with the practice of pharmacy at any premises at which there is not a registered pharmacist in continual attendance; or
- (i) aid or assist any person other than a registered pharmacist to practise pharmacy, except in accordance with the provisions of this Act.

39 Medical practitioners, veterinary surgeons and dentists may dispense

Every medical practitioner, qualified veterinary surgeon or qualified dentist may dispense or compound any medicine or drugs for patients or animals without becoming a registered pharmacist, provided that a true and faithful record is made of every such prescription in the prescription book, which shall be open for inspection by any inspector or person duly authorised by the Board for that purpose.

40 Automatic machines for vending medicines prohibited

- (1) Any person who:
- (a) installs any automatic machine for the sale or supply of any drug or medicine, or allows, permits or suffers any such automatic machine to be so installed;
 - (b) sells or supplies any drug or medicine by means of any such automatic machine;

- (c) allows, permits or suffers any person to purchase or be supplied with or otherwise obtain any drug or medicine by means of any automatic machine,

shall be guilty of an offence, and shall be liable to a penalty of forty dollars, and in the case of a continuing offence, to a further penalty of ten dollars for every day, subsequent to the day on which he is convicted of the offence, during which the offence continues.

- (2) For the purpose of the last preceding subsection, “**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 of his employee or other agent at the time of the sale or supply.

41 Restrictions on supply of certain medicines

- (1) Any person other than a qualified medical practitioner or a person acting under the direct instructions of such medical practitioner, who attends upon, prescribes for, or supplies any article as a drug, medicine, instrument or appliance to, any person for the alleviation, cure or treatment of any venereal disease, whether in fact such person is suffering from such disease or not, or of any disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising or relating to sexual intercourse, or of female or menstrual irregularities, or for the purpose of terminating pregnancy, or of influencing the course of pregnancy, shall be guilty of an offence, and shall be liable to a penalty of two hundred dollars.
- (2) Nothing in this section shall apply to:
 - (a) a registered pharmacist who dispenses to the patient of a qualified medical practitioner the prescription of such medical practitioner, if the prescription is dated and bears the address and the usual signature (including the surname) of the practitioner; or
 - (b) a registered pharmacist who, in the ordinary course of his business, sells or supplies any article as a drug, medicine, instrument or appliance (except such drugs, medicines, instruments or appliances as are prescribed), provided such

drug, medicine, instrument or appliance is sold or supplied by such pharmacist for purposes other than those prescribed by this section.

42 **Certain advertisements prohibited**

- (1) No person shall publish any statement, whether by advertisement or otherwise, to promote the sale of any article as a medicine, instrument or appliance for the alleviation or cure of any venereal disease, or disease affecting the generative organs, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse, or of female or menstrual irregularities, or for terminating pregnancy, or for influencing the course of pregnancy, or for preventing conception.
- (2) Any person who:
 - (a) affixes or inscribes any statement or any thing whatsoever so as to be visible to persons being in, or passing along, any street, road, highway, pathway, public place or public conveyance;
 - (b) delivers or offers or exhibits any statement to any person being in, or passing along, any street, road, highway, pathway, public place or public conveyance;
 - (c) throws any statement into or upon any street, road, highway, pathway, public place or public conveyance, or into the area, yard, garden or enclosure of any house;
 - (d) exhibits any statement to public view in any house, shop or place;
 - (e) prints or publishes any statement in any newspaper; or
 - (f) sells, offers or shows, or sends by post, any statement to any person,shall be deemed to have published such statement.
- (3) The word “**statement**” includes any document, book, or paper containing any statement.

- (4) Any person who for himself or as assistant, servant, agent or

manager does or permits any act, matter or thing contrary to this section or any part thereof, shall be guilty of an offence and shall be liable to a penalty of two hundred dollars.

- (5) Nothing in this section shall apply to any books, documents or papers published in good faith for the advancement of medical or surgical science, or to any advertisement, notice or recommendation published by the authority of the Under Secretary (Health), Ministry of Health and Medical Services or to any publication sent only to qualified medical practitioners or registered pharmacists for the purpose of their business.

43 British Pharmacopoeia

The British Pharmacopoeia as published in England under the direction of the General Council of Medical Education and Registration of the United Kingdom, in the edition for the time being in force, shall be the Pharmacopoeia in force in Solomon Islands as the standard of quality or composition for all drugs or medicines, and for the method of preparation of all drugs or medicines, and of compounding of all mixtures thereof; and for the purposes of this Act, the metre and the gramme shall be accepted respectively as legal units of measure and weight.

PART V SALE AND SUPPLY OF MEDICINES

44 Sale of drugs or medicines

- (1) It shall not be lawful for any person who is not a registered pharmacist, or the assistant manager or *bona fide* apprentice of a registered pharmacist, to sell by retail any drug or medicines whatsoever, whether protected by letters patent, whether Imperial or Colonial, or not, except as prescribed by this Act.
- (2) Nothing in this Act contained shall be construed to prohibit any licensed storekeeper from selling any of the articles mentioned in Schedule A.
- (3) The Minister may, on the advice of the Board, by order add articles to or delete articles from Schedule A.

45 Medicine Licence

- (1) The Board may, on the application of any licensed storekeeper, grant such person a licence, to be called a Medicine Licence, to sell such articles as the Board deems fit:

Provided that no such licence shall be granted to sell any of the drugs or medicines to which the provisions of subsection (2) of section 37 apply.

- (2) Such licence shall be granted for a period not exceeding twelve months and may be renewed.
- (3) The Board shall prescribe fees for such licence.
- (4) The licence shall be in the form prescribed by rule hereunder and shall state clearly the names of all articles which the licensee is permitted to sell.
- (5) Every application for a licence under this section shall be accompanied by a report by the Provincial Secretary of the province in which the business is carried on.

46 Police to be notified of issue of licence

Immediately on the granting of a licence the Board shall so inform the Provincial Secretary or officer in charge of Police of that province in which the licence has been granted.

47 Only drugs mentioned in licence may be sold

A holder of such licence may sell or supply, or cause or suffer to be sold or supplied by his assistant or manager, only such drugs or medicines as, by virtue of such licence, he is entitled to sell or supply. Any person acting in contravention of this section shall be guilty of an offence and shall be liable to have his licence cancelled, and also to a penalty of forty dollars, and in the case of a continuing offence to a further penalty of ten dollars for every day, subsequent to the day on which he is found guilty of such offence, during which the offence continues.

48 Sale by wholesale of medicines or drugs

It shall not be lawful for any person to sell any drug or medicine by wholesale to any person who does not possess a licence for the sale by retail of such drug or medicine.

49 Importation of drugs or medicines

- (1) It shall not be lawful for any person to import for sale by retail any drug or medicine which under his licence he is not entitled to sell or supply.
- (2) Any drug or medicine imported in contravention of this section shall be liable to confiscation and shall be disposed of in such manner as the Comptroller of Customs and Excise may direct.
- (3) Any person importing or attempting to import any drug or medicine in contravention of this section shall be guilty of an offence and shall be liable to a penalty of twenty dollars, and for a subsequent offence, to a penalty of two hundred dollars or to imprisonment for six months.
- (4) The provisions of the *Customs and Excise Act* shall apply to proceedings under this section.

50 Labels on medicines imported

All medicines imported into Solomon Islands shall state on the label affixed to the container the percentage of proof spirit, if any, which the medicine contains; and in the case of a medicine containing a poison as one of the ingredients, such label shall state the proportion which the poison contained in the preparation bears to the total contents. In the case of such proportion being stated as a percentage, the statement shall indicate whether the percentage is weight in weight, weight in volume or volume in volume.

51 Importation of certain drugs or appliances may be prohibited

If in the opinion of the Under Secretary (Health), Ministry of Health and Medical Services any drug, instrument or appliance brought into Solomon Islands is or is likely to be injurious to the health or well-being of any person, he may certify in writing to the Comptroller of Customs and Excise that the same should not be allowed to be

imported:

Provided that this section shall not apply to drugs, medicines, instruments or appliances imported by qualified medical practitioners, registered pharmacists, qualified veterinary surgeons or qualified dentists for *bona fide* medical, veterinary or dental treatment.

PART VI POISONS

52 Importation and sale of poisons

- (1) It shall not be lawful for any person to import any poison except under a licence issued by the Board:

Provided that this subsection shall not apply to the importation of poisons by qualified medical practitioners, registered pharmacists, qualified veterinary surgeons or qualified dentists for *bona fide* medical, veterinary or dental treatment.

- (2) It shall not be lawful for any person to sell or deal in any of the several articles included in Schedule B hereto hereinafter referred to as the "Poisons List", except in the manner prescribed in this Act.
- (3) The Minister may from time to time by order declare that any article named therein shall be deemed a poison within the meaning of this Act and be added to Part I or Part II of the Poisons List, as may be by such order directed.
- (4) Any such order shall be published in the *Gazette* and on the expiration of three months from publication thereof, the article named therein shall be deemed to be added to such part of the said Schedule as may be directed in the order.
- (5) Any person acting in contravention of this section shall be liable to a penalty of two hundred dollars, and in the case of a continuing offence, to a further penalty of ten dollars for each day, subsequent to the day on which he is convicted, during which the offence continues.

53 Pharmacists to be authorised sellers of poisons

For the purposes of this Act all registered pharmacists shall be authorised sellers of poisons and may, subject to the provisions of this Act, sell and deal in poisons.

54 Poisons Licence

On the application of any holder of a retail store licence, and on payment of the prescribed fee, the Board may issue to such person a licence to sell poisons, hereinafter referred to as a "Poisons Licence", provided that:

- (a) such application is accompanied by a report, signed by the Provincial Secretary of the Province in which such retail store is situated, certifying that the applicant is a fit and proper person to hold such licence;
- (b) such licence shall only apply to one place of business;
- (c) no licence shall be granted empowering the holder thereof to sell or deal in any poisons included in Part I of the Poisons List;
- (d) such licence shall be for a period of twelve calendar months and may be renewed; and
- (e) such licence shall state specifically the poisons or class of poisons which the holder is licensed to sell or deal in.

55 Register of premises

The Board shall keep a book to be called the "Register of Premises", which shall be in the form prescribed by rules hereunder, and in which shall be entered the addresses of all premises where drugs, poisons or medicines are licensed to be sold, and such other particulars as may be prescribed by such rules.

56 Prohibition and regulations with respect to the sale of poisons

- (1) Subject to the provisions of this Part of this Act it shall not be lawful:
 - (a) for a person to sell any poison included in Part I of the Poisons List, unless:

- (i) he is an authorised seller of poisons; and
 - (ii) the sale is effected on premises registered under section 55; and
 - (iii) the sale is effected by or under the supervision of a registered pharmacist;
- (b) for a person to sell any poison included in Part II of the Poisons List, unless either:
 - (i) he is an authorised seller of poisons and the sale is effected on premises registered under section 55; or
 - (ii) he is the holder of a Poisons Licence and the sale is effected on premises registered under section 55;
- (c) for a person to sell any poison, whether included in Part I or Part II of the Poisons List, unless the container of the poison is labelled in the prescribed manner:
 - (i) with the name of the poison; and
 - (ii) in the case of a preparation which contains a poison as one of the ingredients, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients; and
 - (iii) with the word “poison” or other prescribed indication of the character of the article; and
 - (iv) with the name of the seller of the poison and the address of the premises on which it was sold.
- (2) Subject to the provisions of this Part of this Act and to any rules made under this Act dispensing with or relaxing any of the requirements of this subsection:
 - (a) it shall not be lawful to sell any poison in Part I of the Poisons List to any person, unless that person is either:
 - (i) certified in the manner prescribed by rules and by a person authorised by rules to give a certificate for the

purposes of this section; or

- (ii) known by the seller or by some registered pharmacist in the employment of the seller at the premises where the sale is effected,

to be a person to whom the poison may properly be sold:

Provided that no poison shall be sold or delivered to any person under the age of twenty-one years;

- (b) the seller of any such poison shall not deliver it until:
 - (i) he has made or has caused to be made an entry in a book to be kept for that purpose, hereinafter called the "Poisons Book", stating in the form prescribed by rules the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under paragraph (a) of this subsection was given, the name and quantity of the article sold and the purpose for which it is stated by the purchaser to be required; and
 - (ii) the purchaser has affixed his signature to the entry aforesaid.

57 Exemption with respect to medicines

(1) Nothing in the foregoing section shall apply:

- (a) to a medicine which is supplied by a qualified medical practitioner for the purposes of medical treatment, by a qualified dentist for the purposes of dental treatment, or by a qualified veterinary surgeon for the purposes of animal treatment;
- (b) to a medicine which is dispensed by a registered pharmacist at his place of business; or
- (c) to a poison forming part of the ingredients of a medicine which is supplied by a registered pharmacist at his place of business:

Provided that the requirements contained in the following provisions of this section shall be satisfied in relation thereto.

- (2) The medicine shall be distinctly labelled with the name and address of the person by whom it was supplied or dispensed.
- (3) On the day on which the medicine was supplied or dispensed or, if that be not reasonably practicable, on the day next following that day, there shall be entered in the prescription book the following particulars:
 - (a) the date on which the medicine was supplied or dispensed;
 - (b) the ingredients of the medicine and the quantity thereof supplied;
 - (c) if the medicine was dispensed by a registered pharmacist the name or initials and, if it is known, the address of the person by whom, and the name and, if it is known, the address of the person to whom, and the date on which, the prescription was given;
 - (d) if the medicine was not so dispensed, the name and address of the person to whom it was supplied:

Provided that the provisions of this subsection shall, in the case of a medicine supplied on a prescription on which the medicine has been supplied by the seller on a previous occasion, be deemed to be complied with if the day on which the medicine is supplied and the quantity thereof supplied are entered in the prescription book on that day or, if that is not reasonably practicable, on the day next following that day, together with a sufficient reference to an entry in that book duly recording the dispensing of the medicine on the previous occasion.

- (4) In the case of a medicine which is supplied or dispensed by a registered pharmacist and is compounded by the person supplying or dispensing it or by a person in his employment, the medicine shall have been compounded or dispensed by or under the immediate and personal supervision of a registered pharmacist.
- (5) In the case of a medicine which is supplied or dispensed by a registered pharmacist, the supplying or dispensing of the medicine shall be effected by or under the immediate and personal supervision of a registered pharmacist.

58 Exemption with respect to sales wholesale and sales to certain persons

Except as provided by rules made hereunder nothing in the foregoing provisions of this part of this Act shall extend to or interfere with:

- (a) the sale of poisons by wholesale dealing, provided that:
 - (i) such sale is to a registered pharmacist or to a holder of a poisons licence; or
 - (ii) such sale is to a person who requires the article:
 - (aa) for the purpose of his trade or business; or
 - (bb) for the purposes of enabling him to comply with any requirements made by or in pursuance of any Act with respect to the medical treatment of persons employed by that person in any trade or business carried on by him; or
- (b) the sale of an article to a qualified medical practitioner, qualified dentist or qualified veterinary surgeon for the purposes of his profession.

59 Use of titles, emblems and descriptions

It shall not be lawful for any holder of a poisons licence to use in connection with his business any title, emblem or description reasonably calculated to suggest that he is entitled to sell any poison other than a poison which he is under this Act entitled to sell; and if any person acts in contravention of this section, he shall be liable, in respect of each offence, to a fine of one hundred dollars, and in the case of a continuing offence, to a further penalty of ten dollars for each day, subsequent to the day on which he is convicted, during which the offence continues.

60 Prohibition of sale of poisons by means of automatic machine

It shall not be lawful for a poison to be exposed for sale in or offered for sale by means of an automatic machine, and any person acting in contravention of this section shall be liable to a penalty of two

hundred dollars, and in the case of a continuing offence, to a further penalty of ten dollars for each day, subsequent to the day on which he is convicted, during which the offence continues.

PART VII MISCELLANEOUS

61 Board may make rules

- (1) The Board, with the approval of the Minister, may make rules with respect to any of the following matters or for any of the following purposes:
 - (a) the manufacture of pharmaceutical preparations containing poisons;
 - (b) the sale, whether wholesale or retail, or the supply of poisons by or to any person or classes of persons, and in particular but without prejudice to the generality of the foregoing provisions:
 - (i) for regulating or restricting the sale or supply of poisons by holders of a poisons licence, and for prohibiting the sale of any specified poison or class of poisons by any class of such licensed sellers of poisons;
 - (ii) for prohibiting the sale by retail of poisons (being included in Part I of the Poisons List in Schedule B hereto) except on a prescription duly given by a duly qualified medical practitioner, qualified dentist or qualified veterinary surgeon, and for prescribing the form and regulating the use of prescriptions given for the purposes of rules made under this paragraph;
 - (iii) for dispensing with or relaxing any of the provisions contained in Part VI of this Act relating to the sale of poisons;
 - (iv) the storage, transport and labelling of poisons;
 - (v) the containers in which poisons may be sold or supplied;
 - (vi) the additions to poisons of specified ingredients for the purposes of rendering them readily distinguishable as

poisons;

- (vii) the manufacture, compounding and dispensing of drugs and poisons;
- (viii) the period for which any books required to be kept for the purposes of Part VI of this Act are to be preserved;
- (ix) the period for which any certificate given under Part VI of this Act is to remain in force;
- (x) for requiring persons in charge of the manufacture of pharmaceutical preparations containing poisons to be registered pharmacists;
- (xi) for prescribing anything which by this Act is to be prescribed by rules;
- (xii) the meetings and proceedings of the Board and the conduct of the business thereof and the duties of its officers;
- (xiii) the forms to be used in pursuance of this Act;
- (xiv) the manner of keeping the registers and the particulars to be entered therein;
- (xv) the scale of fees to be charged and paid in respect of any application, registration, certificate or other proceedings, act or thing provided or required under this Act;
- (xvi) the control of the professional conduct of registered pharmacists and the practice of the profession;
- (xvii) the extent to which the British Pharmaceutical Codex, published by direction of the Pharmaceutical Society of Great Britain, or the Australasian Pharmaceutical Formulary, published by the Australasian Pharmaceutical Conference on behalf of the Pharmaceutical Societies of Australia and New Zealand, shall be accepted as a statement of official standards or quality or composition of drugs or medicines, and of the methods of preparation

of drugs or medicines, and of compounding all mixtures thereof; and

(xviii) the qualifications of apprentices and assistants and the conditions under which apprentices or assistants may be employed;

(c) the conditions (including the keeping of records) to be observed in the use of poisons for industrial or agricultural purposes.

(2) The power to make rules under this section with respect to poisons includes the power to make rules with respect to any class of poisons or any particular poison.

62 General penalty

(1) A person who acts in contravention of or fails to comply with any of the provisions of this Act, or any rule made under this Act, for which no specific penalty is prescribed, shall be liable to a penalty of not more than one hundred dollars, and in the case of a continuing offence, to a further penalty of twenty dollars for every day, subsequent to the day on which he is convicted, during which the offence continues.

(2) In the case of proceedings against a person under this section for or in connection with the sale, exposure for sale or supply of a poison effected by an employee:

(a) it shall not be a defence that the employee acted without the authority of the employer; and

(b) any material fact known to the employee shall be deemed to have been known to the employer.

(3) Notwithstanding any enactment prescribing the period within which proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of twelve months next after the date of the commission of the offence; or, in the case of proceedings instituted by or by the direction of the Director of Public Prosecutions, either within the period aforesaid or within the period of three months next after the date on which evidence sufficient, in the opinion of the Director of Public

Prosecutions, to justify a prosecution for the offence comes to his knowledge, whichever period ends on the later date. For the purposes of this subsection, a certificate purporting to be signed by the Director of Public Prosecutions as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

63 Application of Customs and Excise Act

Articles the importation of which is prohibited by this Act and, to the extent to which their importation is prohibited, articles the importation of which is restricted by this Act, shall be deemed to be goods the importation of which is prohibited under the *Customs and Excise Act*; and subject to the provisions of this Act, the said Act and any Act amending the same shall apply to such articles.

SCHEDULES

SCHEDULE A

(Section 44, subsection (2))

Tablets, capsules and lozenges

Asprin Tablets B.P. (in packs of not more than 25)

Asprin soluble tablets B.P. (in packs of not more than 25)

Benzalkonium lozenges B.P.C.

Disprin (in packs of not more than 25)

Paracetamol B.P. (in packs of not more than 25)

Ointments and Applications

Calamine lotion B.P.

Centrimide cream B.P.

Chlorozylenol Solution B.P.C.

Lanolin cream

Medicated powder (not containing antibiotics)

Medicated soap

Methylsalicylate liniment B.P.C.

Vick Vapour rub

Zinc cream B.P.

Zinc, starch and talc dusting powder B.P.C.

Dressings

Adhesive plasters

Bandages

Cotton wool, hospital quality

Lint, surgical

Surgical dressings, not containing any antibiotic

Surgical gauze, unmedicated

Miscellaneous

Cod liver oil

Dextrose

Enos (and similar effervescent antacids)

Eucalyptus

Lactogen

Sodium bicarbonate

Soda crystals (washing soda)

Vicks inhaler.

Note: Proprietary preparations which, in the opinion of the Pharmacy and Poisons Board, are of substantially similar composition, pharmacological action and toxicity to any of the above preparations, may also be sold.

SCHEDULE B

(Section 52, subsection (2))

THE POISONS LIST

PART I

Acetanilide; alkyl acetanilides.

Alkali fluorides other than those specified in Part II of this List.

Alkaloids, the following; their salts, simple or complex:

Acetyldihydrocodeinone; its esters.	Emetine.
Aconite; alkaloids of.	Ephedra; alkaloids of.
Apomorphine.	Ergot; alkaloids of.
Atropine.	Ethylmorphine.
Belladonna; alkaloids of.	Gelsemium; alkaloids of.
Benzoylmorphine.	Homatrophine..
Benzylmorphine.	Hyoscine.
Brucine.	Hyoscyamine.
Calabar bean; alkaloids of.	Jaborandi; alkaloids of.
Coca, alkaloids of.	Lobelia; alkaloids of.
Cocaine.	Morphine.
Codeine.	Papaverine.
Colchicine.	Pomegranate; alkaloids of.
Coniine.	Quebracho; alkaloids of, other than the alkaloids of red quebracho.
Cotarnine.	Sabadilla; alkaloids of.

Curarine.	Solanaceous alkaloids not otherwise included in this List.
Diacetylmorphine.	Stavesacre, alkaloids of.
Dihydrocodeinone; its esters.	Strychnine.
Dihydrohydroxycodeinone; its esters.	Thebaine.
Dihydromorphine; its esters.	Veratrum; alkaloids of.
Dihydromorphinone; its esters.	Yohimba; alkaloids of.
Ecgonine; its esters.	

Allylisopropylacetylurea.

Amidopyrine; its salts.

Amino-alcohols, esterified with benzoic acid, phenylacetic acid, phenylpropionic acid, cinnamic acid or the derivatives of these acids.

Amphetamines (beta-aminopropylbenzene and beta-amino-isopropylbenzene).

Amyl nitrite.

Antimony, chlorides of, oxides of antimony; sulphides of antimony; antimonates; antimonites; organic compounds of antimony.

Arsenical substances, the following, except those specified in Part II of this List; arsenic, halides of; oxides of arsenic; arsenates, arsenites, organic compounds of arsenic.

Barbituric acid; its salts; derivatives of barbituric acid; their salts; compounds of barbituric acid, its salts, its derivatives, their salts with

35

any other substance.

Barium, salts of, other than barium sulphate and the salts of barium specified in Part II of this List.

Butyl chloral hydrate.

Cannabis (the dried flowering or fruiting tops of *Cannabis sativa* Linn.), the resin of cannabis; extracts of cannabis, tinctures of cannabis; cannabin tannate.

Cantharidin; cantharidates.

Chloral formamide.

Chloral hydrate.

Chloroform.

Creosote obtained from wood.

Croton; oil of.

Digitalis, glycosides of; other active principles of digitalis.

Dinitrocresols; dinitronaphthols, dinitrophenols, dinitrothymols.

Elaterin.

Ergot (the sclerotia of any species of *Claviceps*); extracts of ergot; tinctures of ergot.

Erythrityl tetranitrate.

Fluorocetamide

Fluorocetanilide

Glyceryl trinitrate.

Guanidines, the following: polymethylene diguanidines, dipara-anisylphenetyl guandine.

Hydrocyanic acid; cyanides; double cyanides of mercury and zinc.

Insulin.

Lead acetates; compounds of lead with acids from fixed oils.

Mannityl hexanitate.

Mercury, oxides of; nitrates of mercury; mercuric ammonium chlorides; potassio-mercuric iodides; mercuric oxycyanides; mercuric thiocyanate.

Metanitrophenol; orthonitrophenol; paranitrophenol.

Monofluoroacetic acid; or its salts

Nux Vomica.

Opium.

Orthocaine; its salts.

Ouabain.

Oxalic acid; metallic oxalates other than potassium quadroxalate.

Oxycinchronic acid, derivatives of; their salts; their esters.

Para-amino-benzoic acid; esters of; their salts.

Phenetidylphenacetin.

Phenols (any member of the series of phenols of which the first member is phenol and of which the molecular composition varies from member to member by one atom of carbon and two atoms of hydrogen) except in substances containing less than sixty per cent, weight in weight, of phenols; compounds of phenol with a metal, except in substances containing less than the equivalent of sixty per cent weight in weight, of phenols.

Phenylcinchoninic acid; salicylcinchoninic acid; their salts; their esters.

Phenylethylhydantoin; its salts; its acyl derivatives; their salts.

Phosphorus, yellow.

Picric acid.

Picrotoxin.

Pituitary gland, the active principles of.

Savin; oil of.

Sodium monofluoroacetate syn: Sodium monofluoroacetic acid; commonly known as compound 1080

Strophanthus; glycosides of strophanthus.

Sulphonal; alkyl sulphonals.

Suprarenal gland, the active principles of, their salts.

Thallium; salts of.

Thyroid gland, the active principles of, their salts.

Tribromethyl alcohol.

P-aminobenzenesulphonamide, Sulphonilamide, and preparations thereof and analagous compounds and derivatives and preparations thereof, whether described as Prontosil, Prontylin, Septasine, Soluseptasine, Sulphonamide-p or any other trade-name, trade-mark or designation.

PART II

Ammonia.

Arsenical substances, the following:

Arsenic sulphides	Copper arsenites
Arsenious oxide	Lead arsenates
Calcium arsenates	Potassium arsenites
Calcium arsenites	Sodium arsenates
Copper acetoarsenites	Sodium arsenites
Copper arsenates	Sodium thioarsenates

Barium, salts of, the following:

Barium carbonate.

Barium silicofluoride.

Formaldehyde.

Hydrochloric acid.

Hydrofluoric acid; potassium fluoride; sodium fluoride; sodium silicofluoride.

Mercuric chloride; mercuric iodide; organic compounds of mercury.

Methylated spirits.

Nicotine; its salts.

Nitric acid.

Nitrobenzene.

Phenols as defined in Part I of this List in substances containing less than sixty per cent weight in weight, of phenols; compounds of phenol with a metal in substances containing less than the equivalent of sixty per cent, weight in weight, of phenols.

Phenylene diamines; toluene diamines, their salts.

Potassium hydroxide.

Potassium quadroxalate.

Sodium hydroxide.

Sulphuric acid.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 105 of the Revised Edition of the Laws of Solomon Islands.

2

LIST OF LEGISLATION

Pharmacy and Poisons Act (Cap. 105)

<i>Constituent legislation:</i>	5 of 1941 (Commenced 28 July 1941)
	6 of 1953
	7 of 1958
	6 of 1967
	LN 78 of 1973
	LN 46A of 1978
	LN 88 of 1978
	LN 60 of 1981
	LN 5 of 1988

3

LIST OF AMENDMENTS