

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 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.

BE

Pharmacy (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by 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 (Amendment) Act, 1970". Short title.

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

Amendment
of Act No.
48, 1964.

10 (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
pharmaci-
cists' busi-
nesses.)

15 (1) A person (not being a pharmacist), a corporation or a body of persons unincorporated shall not carry on, as owner or otherwise, the business of a pharmacist in open shop or otherwise have a pecuniary interest, direct or indirect, in the business of a pharmacist carried on in open shop.

20 (1A) Subsection one of this section does not prevent a body of persons unincorporated, being a partnership consisting only of pharmacists 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.

30 (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).

5 (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")";

10 (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";

15 (v) by inserting next after the same paragraph the following new paragraph : —

20 (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 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.)

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

10 (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 ;

15 (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

20 (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.

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

30 (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)

Pharmacy (Amendment).

- 5 (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
- 10 (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
- 15 (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;
- 20 (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;
- 25 or
- 30 (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).

5 (iv) otherwise have such a pecuniary interest in three businesses, each of which is the business of a pharmacist carried on in open shop.

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

; or

10 (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, 15 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 20 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 25 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-Sec. 37. seven the word "or" where thirdly occurring and (Evidence.) 30 by inserting in lieu thereof the word "of".

(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 35 day of July, one thousand nine hundred and sixty-five.

(3)

Pharmacy (Amendment).

(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.

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—

Certain agreements deemed to be at an end.

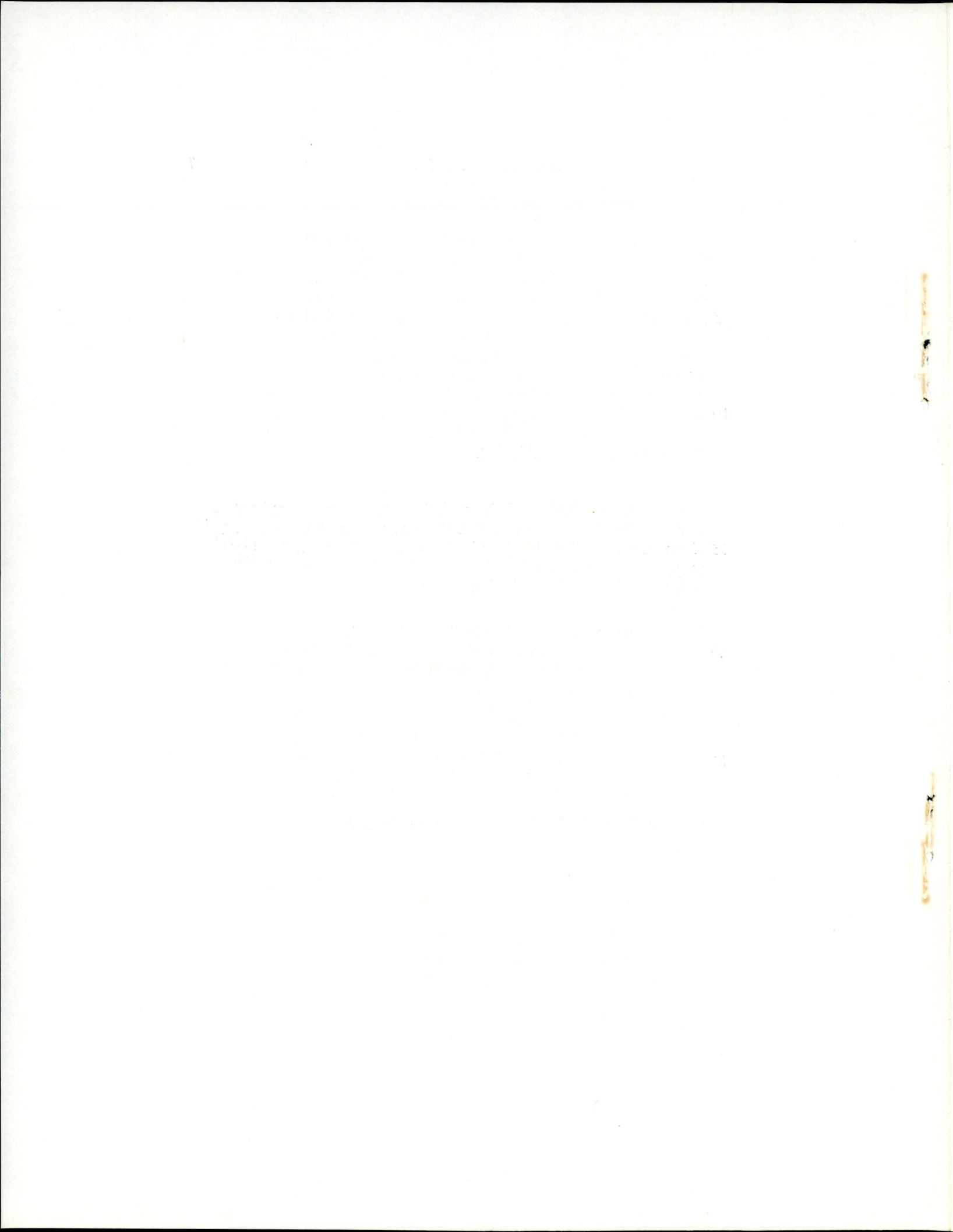
- (a) any agreement whereby the parties to the agreement so referred to are entitled to a pecuniary interest, direct or indirect, in the business of a pharmacist carried on in open shop; and
- (b) any lease, granted by those parties, of, or licence or other right, granted by those parties, to occupy,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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[10c]



No. , 1970.

A BILL

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.

[MR JAGO—12 November, 1970.]

BE

Pharmacy (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by 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 (Amendment) Act, 1970". Short title.

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
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cists' busi-
nesses.)

(1) A person (not being a pharmacist), a corporation or a body of persons unincorporated shall not carry on, as owner or otherwise, the business of a pharmacist in open shop or otherwise have a pecuniary interest, direct or indirect, in the business of a pharmacist 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 pharmacists 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).

5 (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")";

20 (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 :—

25 (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 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.)

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

10 (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;

15 (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

20 (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.

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

30 (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)

Pharmacy (Amendment).

- 5 (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
- 10 (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
- 15 (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;
- 20 (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;
- 25 or
- 30 (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).

5 (iv) otherwise have such a pecuniary interest in three businesses, each of which is the business of a pharmacist carried on in open shop.

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

; or

10 (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, 15 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 20 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 25 under which he has that pecuniary interest, whichever first occurs.

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

(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 35 day of July, one thousand nine hundred and sixty-five.

(3)

Pharmacy (Amendment).

(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.

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—

Certain agreements deemed to be at an end.

- (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.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[10c]

18

The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics and the laws of electrodynamics. The second part of the paper is devoted to a discussion of the structure of the nucleus. It is shown that the structure of the nucleus is determined by the laws of quantum mechanics and the laws of electrodynamics. The third part of the paper is devoted to a discussion of the structure of the molecule. It is shown that the structure of the molecule is determined by the laws of quantum mechanics and the laws of electrodynamics.

PHARMACY (AMENDMENT) BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to ensure that a partnership consisting only of pharmacists can carry on the business of a pharmacist in open shop or have a pecuniary interest in such a business only if it is specifically formed for the purpose;
- (b) to clarify the provisions of the Pharmacy Act, 1964, so as to ensure that a person who was carrying on the business of a pharmacist in not more than one open shop before the commencement of that Act can continue to do so either alone, as a partner of any person with whom he was carrying on that business before that commencement or as a partner of a pharmacist, subject to the restriction that the business must be carried on in the original open shop or, with the approval of the Minister, in another open shop within a specified area;
- (c) to prevent a pharmacist from having a pecuniary interest in more than one business of a pharmacist or, if he is carrying on a business of a pharmacist, from having a pecuniary interest in another such business;
- (d) to provide that a person may continue to have a pecuniary interest that would cause him to contravene the prohibition referred to in paragraph (c) above for a period not exceeding one year after the commencement of the Act to give effect to this Bill;
- (e) to make other provisions consequential upon or ancillary to the foregoing.

PROOF

No. , 1970.

A BILL

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.

[MR JAGO—12 November, 1970.]

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Pharmacy (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by 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 (Amendment) Act, 1970". Short title.

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
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nesses.)

(1) A person (not being a pharmacist), a corporation or a body of persons unincorporated shall not carry on, as owner or otherwise, the business of a pharmacist in open shop or otherwise have a pecuniary interest, direct or indirect, in the business of a pharmacist 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 pharmacists 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).

- 5 (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”)”;
- 10
- 15
- (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”;
- 20
- (v) by inserting next after the same paragraph the following new paragraph : —
- 25 (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
- 30

(b)

Pharmacy (Amendment).

(b) (i) by omitting subsections one and two of section 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.)

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

10 (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;

15 (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

20 (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.

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

30 (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)

Pharmacy (Amendment).

- 5 (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
- 10 (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
- 15 (b) where there are three partners in the partnership do any one of the following :—
- 20 (i) carry on the business of a pharmacist in not more than three open shops;
- 25 (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
- 30 (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).

5 (iv) otherwise have such a pecuniary interest in three businesses, each of which is the business of a pharmacist carried on in open shop.

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

; or

10 (c) a pharmacist or a body of persons
unincorporated, being a partnership
consisting only of pharmacists, from
continuing after the commencement of
15 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
20 the carrying on of such business by
such pharmacist or body), being the
same interest as he lawfully had
immediately before that commence-
ment until the expiration of a period
25 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-^{Sec. 37.}
30 seven the word “or” where thirdly occurring and (Evidence.)
by inserting in lieu thereof the word “of”.

(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
35 day of July, one thousand nine hundred and sixty-five.

(3)

Pharmacy (Amendment).

(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.

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—

Certain agreements deemed to be at an end.

- 20 (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
- 25 (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.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

1970

1970

1970

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 November, 1970.*

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

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Pharmacy (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by 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 : —

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

Amendment of Act No. 48, 1964. 2. (1) The Pharmacy Act, 1964, is amended—

Sec. 25.
(Persons other than pharmacists not to have interest in pharmacists' businesses.)

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

(1) A person (not being a pharmacist), a corporation or a body of persons unincorporated shall not carry on, as owner or otherwise, the business of a pharmacist in open shop or otherwise have a pecuniary interest, direct or indirect, in the business of a pharmacist 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 pharmacists 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).

- (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).

Sec. 26.
 (Pharmacist not to carry on or have a pecuniary interest in more than one business of pharmacist.)

(b) (i) by omitting subsections one and two of section twenty-six and by inserting in lieu thereof the following subsections :—

(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)

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- (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.

(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.

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(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".

(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).

(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.

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—

Certain
agreements
deemed to
be at an
end.

- (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.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 9th December, 1970.*

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