

BECHUANALAND PROTECTORATE.

No. 62 of 1934.

(Promulgated 23rd November, 1934.)

PROCLAMATION

By HIS EXCELLENCY THE HIGH COMMISSIONER.

Entitled the Bechuanaland Protectorate Medical, Dental and Pharmacy Proclamation, 1934.

Whereas it is desirable to amend the laws in force in the Bechuanaland Protectorate (hereinafter referred to as the territory) relating to Medical Practitioners, Dentists, Chemists, Nurses and Midwives and to the sale of drugs, medicines and poisons:

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation words of the masculine gender shall include females.

2. No person shall practise in the territory as a medical practitioner, dentist, chemist, nurse or midwife unless he is registered as such in accordance with the provisions of this Proclamation.

“ Practise ” shall mean and include the doing and performing, whether for gain, hire or reward of any such acts as specially belong to the calling of a medical practitioner, dentist, chemist, nurse or midwife respectively.

3. (1) A register shall be kept by the Government Secretary in which shall be entered the names and qualifications of all persons qualified to practise as medical practitioners, dentists, chemists, nurses or midwives respectively with such other particulars as may be required.

(2) No person save as hereinafter excepted shall be entered on the register unless—

- (a) he is in possession of such diplomas or certificates as may from time to time be prescribed as enabling a person to be registered in the United Kingdom of Great Britain and Northern Ireland or in the Union of South Africa as a medical practitioner, dentist, chemist, nurse or midwife, as the case may be, and
- (b) his application for registration has been approved by the Resident Commissioner or by the High Commissioner on appeal under section *five*.

4. Any person desiring to be registered shall make application in writing to the Principal Medical Officer and shall provide such proof as may be required that he possesses the qualifications prescribed by this Proclamation and shall make a sworn declaration in the form set out in Schedule A of this Proclamation.

5. The Resident Commissioner may refuse his approval of any application for registration without stating his reasons, but any person whose application the Resident Commissioner has refused may appeal to the High Commissioner against such refusal.

6. Every applicant who is qualified as prescribed in this Proclamation and whose application is approved by the Resident Commissioner or by the High Commissioner (on appeal from a refusal by the Resident Commissioner) shall be entered in the register as a medical practitioner, dentist, chemist, nurse or midwife as the case may be and shall receive a certificate of registration in the form set out in Schedule B in respect of which a fee of five pounds in the case of a medical practitioner, two pounds ten shillings in the case of a dentist or chemist and one pound in the case of a nurse or midwife shall be paid and collected by means of a revenue stamp of that value affixed to such certificate, provided however that such fee shall not be chargeable in the case of any applicant who at the date of the taking effect of this Proclamation is holding a Government appointment in the territory or is practising as a medical practitioner, dentist, chemist, nurse or midwife therein.

7. The Resident Commissioner may, on the written advice of the Principal Medical Officer or of any person lawfully acting in that capacity, who shall state fully in writing his reasons for such advice, recommend to the High Commissioner the removal of any name from the register, and the High Commissioner may order the removal of such name accordingly. Every such removal from the register and the reasons therefor shall be notified by the Principal Medical Officer to the Registrar of the South African Medical Council or the South African Pharmacy Board as the case may be and to the General Medical Council of Great Britain.

8. (1) Notwithstanding anything contained in this Proclamation any person not holding the diplomas or certificates required by section *three* who has been before the date of the taking effect of this Proclamation in practice in the territory as a medical practitioner, dentist, chemist, nurse or midwife or in any two of them without being at the same time engaged in any other calling or employment may make written application to the Principal Medical Officer of the territory for leave of the Resident Commissioner to continue such practice stating the grounds on which his application is based and may if such leave be granted by the Resident Commissioner continue such practice for such period and subject to such conditions as may be determined by the Resident Commissioner provided that the Resident Commissioner shall have discretion to refuse to grant any such application without stating his reasons for such refusal and may at any time cancel any leave so granted.

(2) Notwithstanding anything contained in this Proclamation, whenever the Principal Medical Officer is satisfied that the interests of the public of any particular area of the territory necessitate additional medical, dental or pharmaceutical services to those supplied by a qualified medical practitioner, dentist or chemist, the Resident Commissioner may grant leave to any person approved of by the Principal Medical Officer, other than a registered medical practitioner, dentist or chemist to practise as such for such period and under such conditions as may be determined by the Resident Commissioner, and he may at any time cancel and withdraw such leave. He shall not be obliged to give any reasons for the refusal of leave, or for the cancellation or withdrawal of leave. No such person to whom leave has been granted shall be entitled to use the description "doctor", "dentist" or "chemist" or use in any way a prefix or addition of any word implying certification or registration under this Proclamation.

(3) The Resident Commissioner may, on a written application made in the manner set forth in the preceding subsection, grant leave to any person (other than a medical practitioner, registered nurse or registered midwife) to practise as a nurse or midwife for such period and subject to such conditions as may be determined by him provided that

he shall have discretion to refuse to grant any such application without stating his reasons and may at any time cancel any leave so granted. Every such person to whom leave to practise has been granted shall on complying with such conditions as may be determined by the Resident Commissioner be entitled to use the description "nurse" and/or "midwife" as the case may be without prefix or addition of any word implying certification or registration under this Proclamation.

(4) Every person (other than a person rendering assistance in case of emergency) who having been granted leave to practise under sub-section (3) fails to comply with or contravenes any of the conditions of this section or uses any title or description implying that he is registered as a nurse or midwife as the case may be under this Proclamation shall be guilty of an offence and be liable on conviction to the penalties mentioned in section *twelve*.

(5) The provisions of the preceding sections of the Proclamation shall not apply to native herbalists prescribing according to their custom nor shall it apply to native dispensers who have been approved by the Resident Commissioner and who are directly or indirectly employed by and come under the control of the Medical Department of the territory. "Native" shall mean any aboriginal native belonging to any tribe of Africa and shall include persons of mixed race living as members of any native community, tribe, kraal or location in the territory.

9. Notwithstanding anything contained in this Proclamation European Missionaries certified as such by the Resident Magistrate of the district in which they reside shall be permitted without being registered as provided in this Proclamation to prescribe drugs and afford medical and surgical aid; provided that they supply such drugs and render such assistance without any fee or reward exceeding one shilling for each attendance and the like amount for each issue of medicine.

10. (1) Notwithstanding anything contained in this Proclamation any person not registered as a chemist, carrying on the business of a General Dealer within the territory, may subject to the provisions of this section, sell such crude drugs and proprietary medicines as are included in the list endorsed on his General Dealer's licence in accordance with sub-section (3) of this section.

(2) No permission under sub-section (1) shall be granted to any holder of a hawker's licence.

(3) Every General Dealer desiring to sell crude drugs or proprietary medicines under the provisions of sub-section (1) shall prior to the grant or renewal of his annual licence or upon application made for endorsement as herein provided subsequent to such grant or renewal furnish to the Resident Magistrate of the district in which he carries on or proposes to carry on his business a list of the drugs and proprietary medicines which he desires to sell, and the Resident Magistrate may, subject to such instructions as he may receive from the Resident Commissioner, approve or amend such list, and endorse such list as approved or amended on the applicant's licence, and may thereafter from time to time subject to the like instructions make any additions to the list so endorsed on further application by the licensee.

(4) The Resident Commissioner may on the advice of the Principal Medical Officer or of any person lawfully acting in that capacity and notwithstanding any permission granted under this Proclamation prohibit by notice in the *Gazette* the sale of any drug or proprietary medicine.

(5) A permission to sell drugs and proprietary medicines granted under this Proclamation may at any time be withdrawn by notice in writing given to the holder thereof or delivered at the place at which he is licensed to carry on business.

11. (1) The several articles named and described in Parts I and II of Schedule C and any other articles which may be added to either part of that Schedule by the High Commissioner by notice in the *Gazette* shall be deemed to be poisons for the purposes of this Proclamation and shall not be sold save as is hereinafter provided except on the written order of a registered medical practitioner, duly qualified veterinary surgeon or of any person who has duly obtained leave from the Resident Commissioner under section *eight* of this Proclamation to practise as a medical practitioner and then only in accordance with the conditions relating to Parts I and II respectively of the said Schedule as set out therein.

(2) The Resident Commissioner may issue a certificate to any duly qualified veterinary surgeon authorising him to import, purchase, acquire, keep, use, prescribe, order or supply poisons in the course of his practice solely for the treatment of animals under his care.

(3) Notwithstanding anything contained in sub-section (2) the Resident Commissioner may at any time cancel any such certificate if satisfied that sufficient reason exists for such cancellation, and his decision in the matter shall be final. The issue or cancellation of every such certificate shall be notified in the *Gazette*.

(4) Notwithstanding anything contained in sub-section (1) a registered chemist or a person authorised to sell drugs under section *ten* may unless specifically prohibited by the Resident Commissioner sell poisons for any industrial or agricultural purposes or for the destruction of vermin or insect pests or for the treatment of disease in animals or plants subject to the conditions applicable thereto as set out in the said Schedule.

(5) Any person selling any poison under the provisions of sub-section (4) shall obtain from the purchaser a statement in writing of the purpose for which he desires to use such poison and shall satisfy himself so far as may be that the purchaser *bona fide* intends to use it for that purpose.

(6) Every person who is authorised to sell poison under this Proclamation shall keep a prescription book and a poison book in which shall be recorded the particulars required under Schedule C to be entered in such books respectively. The poison book shall be open for inspection at any time by the Resident Magistrate of the district or by any person authorised by him in writing to inspect the same.

(7) Any person required under this section to keep a prescription book and a poison book for recording the sale of poisons who shall fail to keep such books or to make the prescribed entries therein or to produce them for inspection on lawful demand shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding twelve months.

(8) The High Commissioner may by notice in the *Gazette* from time to time add other articles either to Part I or Part II of Schedule C and transfer articles mentioned in Part I thereof to Part II and *vice versa*.

12. Any person who shall practise as a medical practitioner, dentist, chemist, nurse or midwife, or who shall sell or dispose of poisons, drugs or proprietary medicines otherwise than as provided in this Proclamation shall be guilty of an offence and shall be liable on conviction for the first offence to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months and for a second or subsequent offence to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months.

13. Notwithstanding anything contained in the Proclamation of the 4th April, 1892, regulating the sale of intoxicating liquor in the Bechuanaland Protectorate no General Dealer duly authorised under section *ten* of this Proclamation to sell any drug or proprietary medicine shall be debarred by the said Proclamation from selling, exposing for sale, purchasing or supplying such drug or medicine for purely medicinal purposes or for the purpose of sale for such purposes by reason that the same contains any intoxicating liquor as so defined.

14. The laws mentioned in Schedule D shall be and are hereby repealed without prejudice to anything lawfully done thereunder.

15. This Proclamation may be cited as the Bechuanaland Protectorate Medical, Dental and Pharmacy Proclamation, 1934, and shall have force and take effect from the first day of January, 1935.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Sixteenth day of November One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency
the High Commissioner.

E. COHEN,
for Administrative Secretary.

SCHEDULE A.

I, the undersigned (full Christian name and full address)

.....
.....

hereby make oath and declare that I am the person mentioned in the accompanying..... submitted by me in support of my application to be registered as a medical practitioner, dentist, chemist, nurse or midwife in the Bechuanaland Protectorate; that the said..... granted to me and..... my own lawful property; and that I have never been debarred from practice in any country by reason of misdemeanour or professional misconduct.

.....(Signature).

Sworn before me this..... day of.....
19...

.....(Signature).

SCHEDULE B.

BECHUANALAND PROTECTORATE.

Government Secretary's Office.

Stamp.

No.....

REGISTRATION CERTIFICATE.

Name.....

Qualification.....

Registered as.....

.....
Government Secretary.

Date.....

SCHEDULE C.

POISONS.

PART I.

Conditions Applicable to Poisons included in Part I.

These poisons shall not be sold unless the purchaser is known or is introduced by some person known to the seller, and in the case of every sale an entry shall be made in the poison book of—

- (1) the date of sale;
- (2) the name and address of the purchaser;
- (3) the name and quantity of the article sold, and the purposes for which it is wanted by the purchaser; such entry shall be attested by the signature of the purchaser and of the person introducing him.

These poisons shall further in every case be labelled with—

- (1) the name of the article;
- (2) the word "Poison" in English and "Gif" in Afrikaans;
- (3) the name and address of the person on whose behalf the sale is effected;

Provided however that when they are sold on a medical prescription for *internal use*, they need not be labelled with the word "Poison" nor with the name of the article, but an entry shall be made in the prescription book of—

- (1) the date of sale;
- (2) the name (and address) of the purchaser; and
- (3) the ingredients and quantities of the prescription.

POISONS.

PART I.

Aconite, aconitine and its salts, and their preparations.

Alkaloids—All poisonous alkaloids and glucosides not specifically named in this Schedule, and their salts and preparations, and all poisonous derivatives of alkaloids and glucosides.

Arsenic and its salts and their preparations.

Atropine and its salts and their preparations.

Belladonna and all preparations and admixtures thereof (except belladonna plasters) containing one-tenth or more per cent. of belladonna alkaloids.

Cannabis indica and all solid preparations thereof (except cannabis indica plasters).

Cantharides and its poisonous derivatives and all other cantharidin-yielding insects.

Chloral hydrate and its preparations.

Cyanides of potassium and sodium and all other poisonous cyanides and their preparations.

Diethyl barbituric acid, and other alkyl, aryl or metallic derivatives thereof, whether described as veronal, propional, medinal, or by any other name; and all poisonous urethanes and ureides.

Emetic tartar and all preparations or admixtures thereof containing one or more per cent. of emetic tartar.

Ergot of rye and preparations of ergots.

Lead in combination with oleic acid or other highly fatty acid, whether sold as diachylon or under any other name (except machine-spread plasters).

Mercuric chloride (corrosive sublimate).

Nux Vomica, Strychnine and its salts, and all preparations or admixtures containing one-fifth or more per cent. of strychnine.

Picrotoxin.

Prussic Acid, and all preparations or admixtures containing one-tenth or more per cent. of prussic acid.

Savin and its oil, and all preparations or admixtures containing savin or its oil.

Vermin and fly killers, if containing poisons the preparations of which are included in Part I of this Schedule.

PART II.

Conditions Applicable to Poisons included in Part II.

These poisons shall in every case of sale be labelled with—

- (1) the name of the article;
- (2) the word "Poison" in English and "Gif" in Afrikaans, and
- (3) the name and address of the person on whose behalf the sale is effected;

provided however that if they are sold on medicinal prescription for internal use, they need not be labelled with the word "Poison" nor with the name of the article, but an entry shall, in that case, be made in the prescription book of—

- (1) the date of the sale;
- (2) the name (and address) of purchaser;
- (3) the ingredients and quantities of the prescription.

PART II.

Acetanilide (antifebrin).

Almonds, essential oil of, unless deprived of prussic acid.

Antimonial wine.

Barium, salts of, except barium sulphate.

Cannabis indica, all liquid preparations or admixtures of.

Cantharides, tincture of, and all vesicating liquid preparations or admixtures containing cantharidin.

Carbolic acid (phenol), cresylic acid (cresol) and all preparations containing three or more per cent. of any one, or a mixture of these substances or of their derivatives (This includes "lysol" and similar preparations under whatever name they may be described or sold).

Chloride of zinc.

Chlorodyne.

Digitalis.

Exalgin.

Mercuric chloride (corrosive sublimate), all preparations of.

Mercuric iodide.

Mercuric sulpho-cyanide.

Nux Vomica, preparations or admixtures of, containing less than one-fifth per cent. of strychnine.

Oxalic acid and its soluble salts.

Phenazone (antipyrine).

Poppies, all preparations of, excepting red poppy petals and syrup of red poppy (*Papaver rhoeas*).

Precipitate red, and all oxides of mercury.

Precipitate, white.

Strophanthus.

Sulphonal and its homologues, whether described as "trional" "tetronal" or by any other name.

Vermin killers (see Part I), compounds containing poisons prepared for the destruction of vermin, if not included in Part I fall under Part II of this Schedule.

All preparations or admixtures which are not included in Part I of this Schedule and contain a poison within the meaning of this Proclamation, except preparations or admixtures specifically excluded from Part II by the terms of this Schedule.

SCHEDULE D.

(1) Ordinance No. 82 of 1830 of the Colony of the Cape of Good Hope as in force in the Bechuanaland Protectorate.

(2) Proclamation No. 30 of 1927 regulating the registration of Medical Practitioners in the Bechuanaland Protectorate.