

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

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**KAAPSTAD, 16 JULIE 1971.**  
**CAPE TOWN, 16TH JULY, 1971**

**[No. 3211.]**

**DEPARTEMENT VAN DIE EERSTE MINISTER.**

**No. 1230. 16 Julie 1971.**

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**No. 95 van 1971: Wysigingswet op die Medisynewette, 1971.**

**DEPARTMENT OF THE PRIME MINISTER.**

**No. 1230. 16th July, 1971.**

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

**No. 95 of 1971: Drugs Laws Amendment Act, 1971.**

Act No. 95, 1971

DRUGS LAWS AMENDMENT ACT, 1971.

# ACT

To amend the provisions of the Medical, Dental and Pharmacy Act, 1928, relating to the definition of habit-forming drugs and potentially harmful drugs; to empower the Minister to authorize certain categories of persons to perform certain acts in relation to potentially harmful drugs; to amend the provisions of the Drugs Control Act, 1965, relating to the making of regulations in connection with the advertising of drugs; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 18th June, 1971.)

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of section 61*bis* of Act 13 of 1928, as inserted by section 18 of Act 29 of 1954 and amended by section 15 of Act 44 of 1969.

1. The following section is hereby substituted for section 61*bis* of the Medical, Dental and Pharmacy Act, 1928 (hereinafter referred to as the principal Act):

“State President may amend Sixth Schedule.

61*bis*. The State President may, upon a recommendation submitted to him by the Minister in pursuance of a resolution passed by the Drugs Control Council, established by section 2 of the Drugs Control Act, 1965 (Act No. 101 of 1965), by proclamation in the *Gazette* amend the Sixth Schedule to this Act by the inclusion therein or the deletion therefrom of any substance, or in any other manner, as may be specified in such resolution.”

Amendment of section 64 of Act 13 of 1928.

2. Section 64 of the principal Act is hereby amended by the deletion of subsection (3).

Amendment of section 65 of Act 13 of 1928.

3. Section 65 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Any habit-forming drug imported or otherwise acquired by a chemist and druggist or other authorized person in accordance with the provisions of this Chapter may be used in the manufacture of any preparation, admixture or extract of such drug, and any such drug or any preparation, admixture or extract thereof, being in itself a habit-forming drug may be sold or supplied under the following conditions but not otherwise—”;  
and

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- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) to any person without the production of a written order or prescription, if such drug or preparation, admixture or extract thereof forms merely a component part of a recognized medicinal preparation and is in quantity insufficient to constitute the finished preparation of a habit-forming drug;”.

Amendment of section 65ter of Act 13 of 1928, as inserted by section 17 of Act 44 of 1969.

4. Section 65ter of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) For the purposes of subsection (1) ‘potentially harmful drugs’ means any substance referred to in the Sixth Schedule to this Act.”.

Amendment of section 96 of Act 13 of 1928, as amended by section 35 of Act 30 of 1945, section 9 of Act 14 of 1946, section 13 of Act 13 of 1950, section 12 of Act 11 of 1957, section 10 of Act 34 of 1962 and section 26 of Act 44 of 1969.

5. Section 96 of the principal Act is hereby amended—

- (a) by the insertion in subsection (1) after the definition of “dentist” of the following definition:

“‘habit-forming drug’ means any substance referred to in Part II of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971);”;

- (b) by the insertion in subsection (1) after the definition of “poison” of the following definition:

“‘potentially harmful drug’ means any substance referred to in the Sixth Schedule to this Act and any substance referred to in Part III of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971;”;

- (c) by the addition of the following subsection:

“(4) Any reference in any law to a habit-forming drug as contemplated in this Act prior to the commencement of the Drugs Laws Amendment Act, 1971, shall be construed as a reference to a habit-forming drug as defined in this section.”.

Insertion of section 96A in Act 13 of 1928.

6. The following section is hereby inserted in the principal Act after section 96:

“Power of Minister to authorize certain categories of persons to perform certain acts relating to potentially harmful drugs.

96A. (1) Notwithstanding anything to the contrary in any law contained, the Minister may by notice in the *Gazette*, subject to such conditions as may be determined by him, authorize the following categories of persons to possess potentially harmful drugs and to perform any act relating to the use, collection, importation, supply, transshipment, administration, export, cultivation, sale, manufacture, transmission or prescription of such drugs; namely:

- (i) medical practitioners and interns;
- (ii) dentists;
- (iii) chemists and druggists, indentured apprentices, pharmaceutical technicians, pharmacy students, trainee chemists and druggists and unqualified assistants;
- (iv) authorized veterinarians;
- (v) the responsible medical officers of hospitals and other institutions used solely for the reception of sick persons;
- (vi) persons registered or enrolled under section 12, 14 or 15 of the Nursing Act, 1957 (Act No. 69 of 1957);
- (vii) persons who intend to perform such acts in relation to such drugs for scientific, research or

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- educational purposes or who intend to possess such drugs for those purposes;
- (viii) persons or organizations performing health services;
- (ix) persons referred to in paragraphs (e), (f)bis, (f)ter and (f)quat of section 72.

(2) Different conditions may be imposed under subsection (1) in respect of different categories of persons or in respect of different kinds of potentially harmful drugs.

(3) A notice issued under this section shall lapse after the expiry of a period of two years after the commencement of section 3 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), unless such notice is repealed earlier.

(4) For the purposes of this section 'potentially harmful drugs' shall mean any substance referred to in Part III of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, and includes any plant from which any such substance can be prepared, extracted, produced or manufactured."

Amendment of section 35 of Act 101 of 1965, as amended by section 5 of Act 29 of 1968 and section 1 of Act 88 of 1970.

7. Section 35 of the Drugs Control Act, 1965, is hereby amended by the substitution for paragraph (i) of subsection (1) of the following paragraph:

- "(i) prescribing the particulars which shall appear in any advertisement relating to any drug or prohibiting the inclusion of any specified particulars in any advertisement relating to any drug included in pharmacological classification 30 of the regulations made under this section or which is included in the Sixth Schedule to the Medical Act, or in Part II or Part III of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), or the distribution of any such advertisement to a specified person or a specified class or category of persons or to a specified organization or a specified class or category of organizations;"

Short title and commencement.

8. This Act shall be called the Drugs Laws Amendment Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.