

Seychelles

## Pharmacy Act

Act 19 of 1899

Legislation as at 30 June 2012

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## Pharmacy Act

Act 19 of 1899

Commenced on 31 August 1899

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 19 of 1899; Act [29 of 1902](#); Act [17 of 1935](#); Proc. 10 of 1944; Act [5 of 1957](#); S.I. 95 of 1975; Act [23 of 1976](#)]*

### 1. Short title

This Act may be cited as the Pharmacy Act.

## Part I – Practice of pharmacy

### 2. Preparation and sale of medicines, except by pharmacists, prohibited

It shall not be lawful for any person to sell, or keep open shop for retailing, dispensing and compounding, any drug, medicine, compound medicine or medicinale preparation unless such person be a pharmacist, within the meaning of this Act.

### 3. Who are to be deemed pharmacists

Pharmacists within the meaning of this Act, shall consist of the following persons:—

- (i) persons possessing diplomas or certificates entitling them to practise as pharmaceutical chemists, as chemists and druggists, or as apothecaries, in the United Kingdom, and authorised by the Minister to exercise the calling of pharmacists in Seychelles;
- (ii) persons provided with diplomas as chemist or pharmacists from foreign universities or colleges, and authorised by the Minister to act as pharmacists in Seychelles;
- (iii) persons holding commissions from the Governor of Mauritius authorising them to practise pharmacy in Mauritius;
- (iv) persons holding diplomas or commissions obtained by examination entitling them to practise pharmacy in India or any British or foreign colony, and authorised by the Minister to practise in Seychelles.

### 4. Authority to be published and diplomas to be registered

Every authorisation given by the Minister to practise as a pharmacist shall be notified in the *Gazette*, and within one week of such notification such pharmacist shall cause his diploma or commission to be registered in the registry of the Supreme Court.

### 5. What persons besides pharmacists may sell medicines

Besides pharmacists, the following persons shall be entitled to sell medicines:—

- (i) duly authorised medical practitioners provided they do not keep open shop, if there exist no pharmacist's shop within a distance of three miles from the place where they attend a patient or where they reside;

- (ii) medical men in charge of dispensaries and persons duly appointed to act as dispensers of a Poor Law Commission or in other Government dispensaries when authorised as provided in the Hospitals and Dispensaries Act.

## **6. Reserving the rights of traders**

Nothing hereinbefore contained shall affect the right of duly licensed traders to sell the following medicines—

- (i) Patent or proprietary medicines, if sold in box, bottle, vessel, or parcel and under wrapper or cover as imported into Seychelles, and provided that each such packet or vessel be properly secured, and bear the seal, name or trademark of the proprietor, inventor or manufacturer thereof, and directions for its use;
- (ii) medicines approved by any foreign medical academy, and the use of which is permitted in the country to which that academy belongs;
- (iii) mineral or artificial waters and the salts employed in their preparation;
- (iv) all simple medicinal substances except poisons, if sold in any quantity not less than one pound in weight, or by the imperial pint. Quinine may be imported and sold in bottles containing not less than half an ounce:

Provided that before selling any such articles every trader shall furnish the Chief Medical Officer with a list thereof and must obtain his permission in writing to sell any such articles.

## **7. Reserving rights of herbalists**

Nothing hereinbefore contained shall prevent any person from selling in its natural state any herb or vegetable, or any gum or seed, except poisons, although the same may be employed in medicine.

## **8. Penalties against persons illegally practising pharmacy**

- (a) If any person not being a duly qualified pharmacist within the meaning of this Act, or not being a medical practitioner or dispenser as provided in [section 5](#), sell any medicinale preparation, drug or medicinal compound;
- (b) If any merchant or trader import or sell or expose for sale any medicinal substance or patent medicine, except in the manner provided in [section 6](#) of this Act;
- (c) If any herbalist sell or expose for sale any herb, vegetable, gum or seed, except in its natural state, and not being poisonous,

every such person, trader or herbalist, shall be deemed to have committed an offence, and shall be liable to a fine not exceeding five hundred rupees or imprisonment for a term not exceeding six months.

## **Part II – Regulations as to the exercise and practice of pharmacy**

### **9. Pharmacists to prepare medicinal preparations only according to directions by medical practitioners or in accordance with recognised pharmacopoeias**

- (1) Pharmacists are expressly forbidden to make, mix, prepare, compound or dispense for sale, any medicine or medicinale preparation, except according to a written prescription signed by a duly qualified medical practitioner, only or in accordance with the formularies or directions of the British Pharmacopoeia or of any Codex or formulary legally employed in foreign countries.
- (2) All prescriptions shall be registered in full in a book kept for such purpose.

## 10. Secret remedies

Pharmacists are prohibited from selling or exposing for sale, distributing or keeping in their possession any secret remedy:

Provided that no patent or proprietary medicine as allowed to be sold by traders under [section 6](#), shall be considered a secret remedy:

Provided also that no medicine shall be considered a secret remedy, if, before the sale or distribution thereof, its composition and mode of preparation have been confidentially disclosed to the Chief Medical Officer, and if the sale has been duly authorised by the Minister.

## 11. Pharmacists forbidden to practice medicine or surgery

Pharmacists are prohibited from in any manner practising medicine or surgery, or any branch of medicine or surgery.

## 12. Penalties

Every pharmacist contravening or failing to comply with any of the foregoing provisions shall be liable to a fine not exceeding five hundred rupees.

## 13. Examination of pharmacist's shop

- (1) It shall be lawful for the Chief Medical Officer to visit and inspect, from time to time, the shop and the stores of every pharmacist and to search, survey, prove, and determine whether the medicines simple and compound, wares, drugs, and things whatsoever therein contained are wholesome and fit for sale and distribution, and whether there is in any such shop any secret and unauthorised remedy.
- (2) All medicines, drugs, or medicinal substances found to be stale, unwholesome or unfit for use, and all secret and unauthorised remedies then and there found shall be seized and shall be destroyed, if it is so ordered by the court on prosecution of the pharmacist under subsection (3).
- (3) Every pharmacist found in possession of any medicine, drug or medicinal substance stale, unwholesome or unfit for use, or of any secret or unauthorised remedy, shall be liable to a fine not exceeding five hundred rupees.

## 14. Adulteration of medicines

Every adulteration of articles usually taken and sold as medicines shall be deemed an admixture dangerous to health, and any pharmacist who sells any such adulterated articles shall, unless the contrary be proved, be deemed to have knowledge of such adulteration and shall be liable to a fine not exceeding five hundred rupees.

## 15. Examination of medicines in the hands of traders

The provisions of sections [13](#) and [14](#) shall extend to traders, and any trader offending against such provision shall be liable to the penalties mentioned in the aforesaid sections.

## 16. Pharmacists bound to secrecy

Any pharmacists or any apprentice or assistant of a pharmacist who shall disclose, reveal to, or allow to be known by any person, what remedies he has delivered, according to the prescription of a medical practitioner, shall, upon proof thereof, be liable to a fine not exceeding five hundred rupees or imprisonment not exceeding six months:

Provided that nothing in this section contained shall affect the right of the Attorney General or Commissioner of Police, or of any court of justice, of obtaining from any such person as aforesaid such information as may be required for the ends of justice.

### **Part III – Sale of poisons**

#### **17. Restriction on sale of poisons**

- (1) No person shall sell, expose for sale or dispense poisons, unless such person be a duly qualified pharmacist, or a medical practitioner or dispenser as provided in [section 5](#).
- (2) Any person selling, exposing for sale, retailing, dispensing or compounding poison, contrary to this section, shall be liable to a fine not exceeding five hundred rupees or imprisonment not exceeding six months.

#### **18. Articles to be deemed poisons within the meaning of this Act**

The following articles shall be deemed to be poisons within the meaning of this Act:—

- (i) arsenic and its preparations,
- (ii) prussic acid,
- (iii) cyanides of potassium and all metallic cyanides,
- (iv) strychnine and all poisonous vegetable alkaloids and their salts,
- (v) aconite and its preparations,
- (vi) emetic tartar,
- (vii) corrosive sublimate,
- (viii) cantharides,
- (ix) savin and its oil,
- (x) ergot of rye and its preparation,
- (xi) oxalic acid,
- (xii) chloroform,
- (xiii) belladonna and its preparations,
- (xiv) essential oil of almonds unless deprived of its prussic acid,
- (xv) atropine, and its salts, and their preparations,
- (xvi) diethyl barbituric acid and other alkyl, aryl, or metallic derivatives of barbituric acid, whether described as veronal, proponal, medinal, or by any other trade name, mark or designation; and all poisonous urethanes and ureides,
- (xvii) digitalin, and all other poisonous constituents of digitalis,
- (xviii) lead in combination with oleic acid, or other higher fatty acids,
- (xix) picrotoxin,
- (xx) strophanthin, and all other poisonous constituents of strophanthus,
- (xxi) barium, salts of, except barium sulphate,
- (xxii) carbolic acid, and liquid preparations of carbolic acid and its homologues,

- (xxiii) chloral hydrate,
- (xxiv) mercuric iodide,
- (xxv) mercuric sulphocyanide,
- (xxvi) precipitate red,
- (xxvii) precipitate white,
- (xxviii) sulphonal, and its homologues, whether described as trional, tetronal, or by any other trade name, mark or designation,
- (xxix) the sulphonamide group of drugs, including M. and B.693,
- (xxx) All other articles which may, from time to time, be proclaimed by the Minister to be poisons saleable only by the persons mentioned in [section 17](#).

## 19. Regulations to be observed in the sale of poisons

- (1) It shall not be lawful for any pharmacist or for any dispenser of a Poor Law Commission or hospital not being a duly qualified medical practitioner to dispense or sell any poison, poisonous drug or substance, or any medicinale preparation containing a poison, except upon written order or prescription signed by a qualified physician or surgeon.
- (2) Every pharmacist, dispenser or medical practitioner qualified to compound and sell medicines under this Act is hereby prohibited to sell, dispense or deliver to any person any poison or any poisonous drug, any substance or any medicinale preparation containing a poison, in any quantity which may be considered dangerous, unless he distinctly marks and labels the box, bottle, wrapper or cover in which such poison or preparation is contained with the word "poison" and with his signature or name printed on the label, and such label shall also contain directions respecting the use of such poison or poisonous substance.
- (3) On every sale or delivery of any poison, poisonous substance, drug or medicinale preparation containing a poison, the pharmacist or dispenser delivering the same shall be bound, before delivery, to cause to be made or to make an entry in a book to be kept for that purpose, stating the name, address and profession of the person to whom delivery has been made, the name and quantity of the article delivered, the date of delivery and the name of the medical practitioner who has signed the order of delivery.
- (4) Any pharmacist, dispenser or medical practitioner failing to comply with the foregoing provisions, shall be liable to a fine not exceeding five hundred rupees or imprisonment for a term not exceeding six months.
- (5) Pharmacists, dispensers and medical practitioners shall incur the aforesaid penalties, whether they have personally contravened the provisions of this section or suffered, or negligently allowed, any apprentice or assistant to violate the same.

## 20. Reserving rights of merchants and traders

- (1) Nothing hereinbefore contained shall extend to or interfere with the business of duly licensed merchants or traders in supplying substances which, although poisons, are required for artistic, industrial, manufacturing or scientific purposes:

Provided that it shall not be lawful for any such merchant or trader or for any other person, to sell any poisonous substance or poison, except by wholesale, and unless the box, bottle, vessel, wrapper or cover in which such poisonous substance or poison is contained be distinctly labelled with the name of the article and the word "poison," and with the name and address of the seller of the poisonous substance or poison.

- (2) Any person contravening the section shall incur the penalties provided in [section 19](#).

**21. Proviso as to the sale of gandia, etc.**

Nothing in this Act contained shall repeal or affect any of the provisions of the laws of Seychelles relative to the sale or possession of gandia, Indian hemp, stramonium and opium.

**Part IV – Legal proceedings****22. Recovery of penalties**

- (1) The penalties hereinbefore provided for offences against this Act may be sued for and recovered before the Supreme Court on prosecution by the Attorney General or any member of the police force.

Penalties provided in this Act are without prejudice to any claim of damages which any person injured by any act committed in breach of this Act, may deem it expedient to enter before the civil court.