

ANNO SEXTO

GEORGII IV. REGIS.

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CAP. CXXXIII.

An Act to amend and explain an Act of the Fifty-fifth Year of His late Majesty, for better regulating the Practice of Apothecaries throughout *England* and *Wales*. [6th *July* 1825.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better regulating the Practice of Apothecaries throughout* England *and* Wales: And whereas Doubts have arisen as to some of the Provisions of the said Act: And whereas by the said Act Power is given to the Master, Wardens, and Society of the Art and Mystery of Apothecaries of the City of *London* for the Time being, and their Successors, or any of the Assistants, or any other Person or Persons properly qualified, as in the said recited Act is mentioned, to be by the Master and Wardens nominated and assigned, not being fewer in number than Two Persons at the least, to go and enter into any Shop or Shops of any Person or Persons whatever, using or exercising the Art and Mystery of an Apothecary in any Part of *England* and *Wales*, for the Purpose of searching, surveying, proving, and determining if the Medicines, Wares, Drugs, or any Thing or Things whatsoever therein contained, and belonging to the Art or Mystery of Apothecaries aforesaid, be wholesome, meet, and fit for the Cure, Health, and Ease of His Majesty's Subjects: And whereas there is not any Form set forth in or provided by the said recited Act, according to which such Appointment for the Purposes aforesaid should be made, and in consequence thereof in some Cases the Persons appointed by the said Master and Wardens to go and enter into the Shops of Persons using the Art and Mystery of Apothecaries have met with Difficulty

55G.3.c.194.

culty in obtaining Admission thereto, for the Purpose of examining the Drugs, Wares, and Medicines therein contained: And whereas it is expedient that such Doubts should be removed, and Provision should be made in relation to such Appointment as aforesaid: And whereas the said Act requires to be amended in other Respects, for the more effectually carrying into Execution the beneficial Purposes thereof: May it therefore please Your Majesty that it be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all Appointments which shall be made by the Master and Wardens of the said Society of the Art and Mystery of Apothecaries of the City of *London*, in pursuance of the said recited Act, of any Persons, to go and enter into the Shops of any Person or Persons using the Art and Mystery of an Apothecary in any Part of *England* and *Wales*, for the Purpose of searching, surveying, and proving whether the Medicines, Wares, Drugs, or any Thing or Things whatsoever in such Shop or Shops contained, and belonging to the Art or Mystery of an Apothecary, be wholesome, meet, and fit for the Cure, Health, and Ease of His Majesty's Subjects, shall be in the Form herein-after stated, and shall be sealed with the Common Seal of the said Society of the Art and Mystery of Apothecaries of the City of *London*, and shall, on being produced to any Person or Persons at the Shop, or Dwelling House having a Shop therein, of any Apothecary in any Part of *England* or *Wales*, by the Persons therein appointed, who in pursuance and by virtue thereof shall require to enter such Shop for the Purpose of examining the Medicines, Drugs, Wares, and other Things therein contained, in pursuance of the said recited Act, be deemed to be sufficient Evidence of the Appointment of the Persons in such Appointment or Appointments named for the Purposes therein expressed.

Prescribing the Form of Appointment of searching Drugs.

Form of the Appointment.

'WE, *A. B.*, Master of the Society of the Art and Mystery of Apothecaries of the City of *London*, and *C. D.* and *E. F.*, the Wardens thereof, do hereby, in pursuance of the Power vested in the Master and Wardens for the Time being of the said Society of Apothecaries, by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better regulating the Practice of Apothecaries throughout* England *and* Wales; and also, in pursuance of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to explain and amend An Act passed in the Fifty-fifth Year of the Reign of His late Majesty King* George *the Third, intituled 'An Act for better regulating the Practice of Apothecaries throughout* England *or* Wales;' appoint *G. H.* and *I. K.*, being Persons duly qualified as required by the said recited Act passed in the said Fifty-fifth Year of the Reign of His late Majesty King *George* the Third as aforesaid, to enter into the Shops of such Persons as now carry on the Art or Mystery of an Apothecary in and in such other Places in *England* or *Wales*

'as they shall think fit, and to examine, search, survey, and prove 'the Medicines, Wares, and Drugs, and other Things in such Shops 'contained, according to the Terms, Provisions, and Powers given 'and contained in and by the said Act of the Fifty-fifth of *George* 'the Third for that Purpose. In witness whereof the Common Seal 'of the said Society is hereunto affixed, this Day 'of .'

Members of the Court of Assistants may be Members of the Court of Examiners.

II. And whereas Doubts have arisen, whether the Master, Wardens, and Court of Assistants of the said Society of Apothecaries, or the major Part of them, can appoint or elect any Person or Persons who are Members of the said Court of Assistants (although they are duly qualified according to the said recited Act) to be Members of the Court of Examiners, directed to be from Time to Time appointed in pursuance of the said recited Act: And whereas it would be useful and expedient, that a limited Number of Persons, being Members of the said Court of Assistants of the said Society, duly qualified pursuant to the said recited Act, should be eligible to be chosen and appointed to be Members of the said Court of Examiners; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Master, Wardens, and Court of Assistants of the said Society of Apothecaries, or the major Part of them, from Time to Time to elect and appoint any Member or Members of the Court of Assistants of the said Society (not exceeding Four Persons in the whole), duly qualified according to the said Act to be Members of the Court of Examiners, directed in and by the said recited Act to be from Time to Time appointed: Provided always nevertheless, that the Master and the Wardens of the said Society for the Time being shall be in all Cases incapable of being elected as Members of the said Court of Examiners; and any Person or Persons who shall, after his or their Election to be a Member of the said Court of Examiners, be chosen and appointed to be either Master of the said Society of Apothecaries, or senior Warden or junior Warden thereof, shall *ipso facto* vacate his Seat in the said Court of Examiners, and shall be incapable of being re-elected, until he shall have ceased to be Master or senior or junior Warden of the said Society.

Master and Wardens may administer Oaths to Examiners.

III. And whereas Doubts have arisen whether the Oath or Affirmation directed by the said recited Act passed in the Fifty-fifth Year of the Reign of His late Majesty as aforesaid to be taken and subscribed by all Persons who shall from Time to Time, in pursuance of the aforesaid Act, be chosen and appointed to be Members of the Court of Examiners, before they can act as Examiners, can be administered by the Master and Wardens of the said Society, or whether such Oath or Affirmation must be administered by the Master, Wardens, and Court of Assistants of the said Society, or the major Part of them; and it would be convenient that Power should be given, as well to the Master and Wardens of the said Society of the Art and Mystery of Apothecaries for the Time being, or to the Master and one of the Wardens of the said Society for the Time being, as to the Master, Wardens, and Court of Assistants of the said Society, or the major Part of them, to administer the said Oath or Affirmation so directed to be taken and subscribed by all Persons who shall be appointed

appointed to be Members of the said Court of Examiners, before they can act as Examiners; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the Master and Wardens of the said Society for the Time being, or for the Master and One of the Wardens of the said Society for the Time being, or for the Master, Wardens, and Court of Assistants of the said Society, or the major Part of them, and they are hereby respectively authorized, required, and empowered, to administer to all Persons who shall from Time to Time be, by the Master, Wardens, and Court of Assistants of the said Society, or the major Part of them, chosen and appointed to be Members of the said Court of Examiners, by virtue of the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, the Oath or Affirmation directed by the said recited Act to be taken by all Persons who shall in pursuance of that Act be from Time to Time appointed to be Members of the Court of Examiners, before they can act as Examiners.

Surgeons, &c. in the Navy, and Surgeons and Apothecaries, &c. in the Army, may practise without Examination.

IV. And whereas many Persons who have heretofore held, and now do or who hereafter shall hold Commissions in His Majesty's Service, as Surgeons, either in His Majesty's Navy, or as Surgeons or Apothecaries in His Majesty's Army, cannot commence Practice as Apothecaries in any Part of *England* or *Wales*, without being examined by the Court of Examiners appointed in pursuance of the aforesaid recited Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, or being liable to the Penalties thereby imposed on Persons who, not having been in Practice as Apothecaries on the First Day of *August* One thousand eight hundred and fifteen, shall commence to act or practise as Apothecaries without having been examined, and received Certificates of their Qualification, pursuant to the said recited Act: And whereas it is expedient to provide a Remedy in that Behalf; be it therefore enacted, That every Person who heretofore has held, or who now holds, or hereafter shall hold a Commission or Warrant as Surgeon or Assistant Surgeon in His Majesty's Navy, or as Surgeon or Assistant Surgeon or Apothecary in His Majesty's Army, or as Surgeon or Assistant Surgeon in the Service of the Honorable the *East India* Company, shall be entitled to practise as an Apothecary in any Part of *England* or *Wales*, without having undergone any such Examination, or received any such Certificate, as by the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third is directed, and without being liable to any Penalty or Disability whatsoever imposed by the said recited Act, on Persons who, not having been in Practice as Apothecaries on the said First Day of *August* One thousand eight hundred and fifteen, without having been examined, and received Certificates in the Manner directed by the said recited Act, commenced Practice as Apothecaries in any Part of *England* or *Wales*; and no such Person shall be obliged, in order to recover in a Court of Law any Charges claimed by him as an Apothecary, to prove that he was in Practice as an Apothecary on the said First Day of *August* One thousand eight hundred and fifteen, otherwise than as holding a Commission or Warrant as Surgeon or Assistant Surgeon in His Majesty's Navy, or as Surgeon or Assistant Surgeon or Apothecary in His Majesty's Army, or as Surgeon or Assistant Surgeon in the Service

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of the Honorable the *East India* Company; any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Reciting Part of the Act 55 G. 3.

V. And whereas by the said recited Act it is enacted, that from and after the First Day of *August* One thousand eight hundred and fifteen it shall not be lawful for any Person (except Persons already in Practice as such) to practise as an Apothecary in any Part of *England* or *Wales*, unless he shall have been examined in the Manner, and received such Certificate of Qualification, as by the said recited Act is directed: And whereas it is also thereby enacted, That if any Person (except such as are then actually practising as such) shall after the said First Day of *August* One thousand eight hundred and fifteen act or practise as an Apothecary in any Part of *England* or *Wales*, without having obtained such Certificate as in the said recited Act is mentioned, every Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Pounds; and if any Person (except such as are then acting as such, and excepting Persons who have actually served such an Apprenticeship as in the said recited Act is mentioned) shall after the said First Day of *August* One thousand eight hundred and fifteen act as an Assistant to any Apothecary to compound and dispense Medicines, without having obtained such Certificate as in the said Act is mentioned, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds: And whereas by the said recited Act it is also further enacted, that no Apothecary shall be allowed to recover any Charges claimed by him in any Court of Law, unless such Apothecary shall prove on the Trial that he was in Practice as an Apothecary prior to or on the said First Day of *August* One thousand eight hundred and fifteen, or that he has obtained a Certificate to practise as an Apothecary from the said Master, Wardens, and Society of Apothecaries as aforesaid: And whereas by the said recited Act it is also enacted, that nothing in the said Act contained shall extend or be construed to extend to lessen, prejudice, or defeat, or in anywise to interfere with any of the Rights, Authorities, Privileges, and Immunities of any Person or Persons practising as an Apothecary previously to the First Day of *August* One thousand eight hundred and fifteen; but the said Persons or Person shall have, use, exercise, and enjoy all such Rights, Authorities, Privileges, and Immunities, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they might have done before the passing of the said recited Act, in case the same had never been passed: And whereas it is expedient that the several Terms or Periods in the said Act mentioned, after which Persons not being at such Times or Periods in Practice as Apothecaries are required by the said recited Act to be examined, or are thereby made subject to the Penalties by the said Act imposed on Persons commencing Practice as Apothecaries, or Assistants to Apothecaries, contrary to the Provisions thereof, or to prove their Exemption from such Penalties, should be accurately defined; be it therefore enacted, That the first-mentioned Exception contained in the said Act shall be deemed and construed to extend to such Persons only who were in actual Practice as Apothecaries on or before the said First Day of *August* One thousand eight hundred and fifteen; and that the Exception contained in the said Act from the

Explaining certain Provisions in 55 G. 3. c. 194. as to practising as

Apothecaries on or before Aug. 1, 1815.

the Penalty of Twenty Pounds thereby imposed shall in like Manner be construed to extend only to Persons who were in actual Practice as Apothecaries on or before the said First Day of *August* One thousand eight hundred and fifteen; and that the Exception contained in the said recited Act from the Penalty of Five Pounds thereby imposed shall in like Manner be construed to extend only to Persons who were on or before the said First Day of *August* One thousand eight hundred and fifteen acting as Assistants to Apothecaries therein mentioned, or who have actually served an Apprenticeship of Five Years to an Apothecary; and that in like Manner the Day on which any Apothecary claiming to recover any Charges in any Court of Law or Equity in *England* or *Wales* shall be obliged to prove himself to have been in Practice, so as to entitle him to recover such Charges without shewing that he has received a Certificate of his Qualification from the said Court of Examiners appointed in pursuance of the said recited Act, shall be construed to be the said First Day of *August* One thousand eight hundred and fifteen; and that the Saving Right contained in the said Act in favour of Persons who have exercised the Practice of Apothecaries shall be construed to extend only to and in favour of such Persons who were in actual Practice as Apothecaries on the said First Day of *August* One thousand eight hundred and fifteen.

Authorizing the Court of Examiners to examine Apprentices to Surgeons.

VI. And whereas by the said Act it is enacted, that no Person shall be admitted to any Examination for a Certificate of his Qualification to act or practise as an Apothecary, unless he shall, among other Things by the said Act required, produce Proof to the said Court of Examiners of his having served an Apprenticeship of not less than Five Years to an Apothecary: And whereas many Persons who served an Apprenticeship of the like Period to Surgeons have received a full and competent Medical Education to enable them to practise as Apothecaries, but the said Court of Examiners have not any Power to examine such Persons; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Court of Examiners to examine such Persons as to their Fitness for or Qualification to act as Apothecaries, who shall produce Proof of having served an Apprenticeship of not less than Five Years to a Member of the Royal College of Surgeons in *London*, or to a Member of the Royal College of Surgeons in *Edinburgh*, or to a Member of the Royal College of Surgeons in *Dublin*, or to a Surgeon in His Majesty's Army or Navy, together with Proof, to the Satisfaction of the said Court of Examiners, of a sufficient Medical Education, and of good moral Conduct, in like Manner as by the said Act is provided with regard to Persons who have served an Apprenticeship of not less than Five Years to an Apothecary; any thing in the said Act contained to the contrary thereof in anywise notwithstanding.

Seal of the Company to be Proof of the Authenticity of the Certificates.

VII. And whereas the authenticating the Certificates of Qualification of such Persons as have been or as shall be examined by the Court of Examiners in pursuance of the aforesaid Act has been attended with considerable Expence, and might often be difficult of Proof, if such Certificates were required to be authenticated in different Parts of *England* at the same Time in different Actions; for Remedy whereof

whereof be it therefore enacted, That from and after the passing of this Act, the Common Seal of the said Society of the Art and Mystery of Apothecaries of the City of *London* shall be deemed to be and shall be received in every Court of Law or Equity in any Part of *England* or *Wales* as sufficient Proof of the Authenticity of the Certificate to which such Seal shall be affixed, and that the Person therein named is duly qualified to practise as an Apothecary in any Part of *England* or *Wales*.

Power to grant Certificates to Persons upon the Third or subsequent Examinations.

VIII. And whereas many Persons who have been examined as to their Fitness and Qualification to act as Apothecaries in pursuance of the said Act of the Fifty-fifth Year of His late Majesty King *George* the Third, by the Court of Examiners appointed under and by virtue thereof, have been rejected upon the First and also upon the Second Examination of such Persons: And whereas there is not any Power expressly given by the said Act to the said Court of Examiners to admit Persons who have been rejected upon their Second Examination: And whereas several Persons who have been upon their First and Second Examinations deemed unfit to receive a Certificate of Qualification to act as Apothecaries, have upon a subsequent Examination received Certificates of their Qualification to act as Apothecaries, and it would be expedient to provide a Remedy in that Behalf; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the Court of Examiners who shall be appointed from Time to Time in pursuance of the said Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, or the major Part of them, to examine any Person or Persons who have been rejected by the said Court of Examiners, on the Second Examination of such Person or Persons, from Time to Time as often as such Person or Persons shall apply to be examined, so as such future Examinations be from Time to Time respectively at an Interval of not less than Six Months from the previous Examination; and that all Persons who have heretofore received, from the said Court of Examiners, Certificates of their Qualification to act as Apothecaries, upon their Third or subsequent Examination, shall be deemed to have been legally examined; and that the Certificates which have been granted to such Persons shall be deemed and taken to be as valid as if the same had been granted by the said Court of Examiners on the First or Second Examination of such Persons.

Mode of recovering Penalties of 5*l*.

IX. And whereas by the said recited Act the Penalty of Five Pounds is imposed on Persons who shall commit certain Offences in the said Act specified: And whereas there are not in the said recited Act specified any Means whereby the said Penalty of Five Pounds thereby imposed can be recovered; be it therefore enacted, That all Penalties of the Amount of Five Pounds, which are imposed by the said recited Act, shall be recoverable in the Name of the Master, Wardens, and Society of the Art and Mystery of Apothecaries of the City of *London*, in any of His Majesty's Courts of Record in *England* or *Wales*, in the same Manner, and subject to the same Rules and Regulations in all Respects, as are in and by the said recited Act declared and provided with regard to the Recovery of the Penalty of Twenty Pounds thereby imposed on certain other Offences in the said recited Act mentioned.

X. Pro-

Limitation of Actions.

X. Provided always, and be it further enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, or the said recited Act of the Fifty-fifth Year of His late Majesty King *George* the Third, after Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then after Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, nor until the Expiration of Twenty-one Days after Notice shall have been given to or left for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Action is intended to be brought, under the Hand of the Party intending to bring such Action, previously to the commencing such Action; and every such Action or Suit shall be laid and brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially, or the General Issue, and give this Act and the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act and the said recited Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before the Expiration of Twenty-one Days after Notice shall have been given or left as aforesaid, or after sufficient Satisfaction shall have been made or tendered, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or shall suffer a Discontinuance or Non-pros of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Cases by Law.

Commencement and Continuance of Act.

XI. And be it enacted, That this Act shall take Effect from and after the passing thereof, and shall continue until the First Day of *August* next in the Year One thousand eight hundred and twenty-six.

Public Act.

XII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1825.