Government Gazette 15368

STATE PRESIDENT'S OFFICE

No. 2470.
29 December 1993

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

No. 180 of 1993: Health and Welfare Matters Second Amendment Act, 1993.

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Medicines and Related Substances Control Amendment Act, 1991, so as to provide for the keeping and supply of medicine by nurses; and to further provide for the commencement of certain sections thereof; to amend the Social Assistance Act, 1992, so as to rectify textual errors; and to provide for incidental matters.

(Afrikaans text signed by the Acting State President.)
(Assented to 14 December 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:-

Substitution of section 9 of Act 94 of 1991

1. The following section is hereby substituted for section 9 of the Medicines and Related Substances Control Amendment Act, 1991:

"Substitution of section 22A of Act 101 of 1965, as inserted by section 21 of Act 65 of 1974 and amended by section 9 of Act 17 of 1979

9. The following section is hereby substituted for section 22A of the principal Act:

`Control of medicines, categories of medicines and substances

22A. (1) The Minister may, on the recommendation of the council, by regulation prescribe a medicine or substance or category of medicine or substance which shall not be sold by any person other than

(a) a pharmacist;

(b) a pharmacist upon a written prescription or oral instructions of a medical practitioner, dentist, veterinarian, *nurse* or practitioner;

(c) the Director-General for providing a medical practitioner there with;

(d) a medical practitioner, dentist, veterinarian, nurse or practitioner in the course of lawfully carrying on his or her professional activities as such to or for any patient under his *or her* care or treatment;

(e) a person employed by a manufacturer or wholesale dealer in pharmaceutical products, and authorized thereto in writing by that manufacturer or dealer, to any medical practitioner, dentist, pharmacist, **or** veterinarian, *nurse or practitioner* on the prescribed conditions; or

(f) a veterinary assistant and veterinary nurse referred to in the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), upon a written prescription issued by a veterinarian for the treatment of a particular patient.

(2) The Minister may, on the recommendation of the council, by regulation prescribe a medicine or substance or category of medicine or substance which no person shall acquire, use, have in his possession, manufacture or import unless a permit for such acquisition, use, possession, manufacture or import has been issued to him by the Director-General subject to prescribed conditions and any other condi tions specified in the permit.

(3) A regulation referred to in subsection (2) may prohibit or prescribe measures to control the acquisition, import, collection, cultivation, keeping or export of any plant or substance from which any substance or medicine referred to in subsection (2) can be extracted, derived, produced or manufactured.

(4) The Minister may-

(a) by notice in the Gazette after consultation with the council and the South African Pharmacy Council referred to in section 2 of the Pharmacy Act, 1974, grant a person or organization or group or category of persons or organizations exemption to the extent and subject to the conditions as prescribed by regulation or specified in the notice, from the provisions of subsection (1); and

(b) in like manner amend or withdraw any such notice.' ".

Amendment of section 29 of Act 94 of 1991, as substituted by section 11 of Act 118 of 1993

2. Section 29 of the Medicines and Related Substances Control Amendment Act, 1991, is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) (a) This Act shall be called the Medicines and Related Substances Control Amendment Act, 1991, and shall, with the exclusion of the provisions referred to in paragraph (b), **come into operation on a date fixed by the State President by proclamation in the Gazette** *be deemed to have come into operation on 12 July 1991*.

(b) Sections **1(d), (n) and (m)** 9, 16(c) up to and including (h), 19, 21, 23, 24 and 25 shall **be deemed to have come into operation on 12 July 1991** *come into operation on a date fixed by the State President by proclamation in the Gazette*."; and

(b) by the deletion of subsection (2).

Amendment of section 2 of Act 59 of 1992, as amended by section 15 of Act 118 of 1993

3. Section 2 of the Social Assistance Act, 1992, is hereby amended by the substitution for paragraph (g) of the following paragraph:

"(g) a care-dependency grant to a **foster** parent in respect of a care-dependant child.".

Amendment of section 17 of Act 118 of 1993

4. Section 17 of the Health and Welfare Matters Amendment Act, 1993, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) Sections **13,** 114, **and** 15 *and 16* of this Act shall come into operation on the same date as the date on which the Social Assistance Act, 1992 (Act No. 59 of 1992), comes into operation.".

Short title

5. This Act shall be called the Health and Welfare Matters Second Amendment Act, 1993.