



ST. CHRISTOPHER AND NEVIS

CHAPTER 9.15

MEDICAL ACT and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

MEDICAL ACT

Act 31 of 1937 ... in force 1st March 1938
Amended by: S.R.O. 22/1962
Amended by: Act 6 of 1976
 Act 2 of 1977
 Act 6 of 1992
 Act 4 of 1999
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S.R.O. 7/1957

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CHAPTER 9.15 MEDICAL ACT

AN ACT TO MAKE PROVISION FOR THE QUALIFICATION AND REGISTRATION OF MEDICAL PRACTITIONERS; TO MAKE PROVISION FOR DISCIPLINARY PROCEEDINGS AGAINST MEDICAL PRACTITIONERS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I PRELIMINARY

Short title.

1. This Act may be cited as the Medical Act.
(Amended by Act 7 of 1976)

Interpretation.

2. In this Act—

“Board” means the Medical Board established by section 3;
(Inserted by Act 2 of 1977)

“Medical Register” means the Register of medical practitioners, dentists, opticians, and chemists and druggists required to be kept in pursuance of this Act;

“Minister” means the Minister responsible for Health;
(Inserted by Act 2 of 1977)

“optician” means a sight-testing optician;

“prescribed fee” means a fee prescribed by the Minister by regulations made under section 65;
(Amended by Act 2 of 1977)

“Registrar” means the Chief Medical Officer;
(Substituted by Act 2 of 1977)

“registered” means fully registered, provisionally registered, or temporarily registered;

“State” means the State of Saint Christopher and Nevis.
(Inserted by Act 2 of 1977)

PART II MEDICAL BOARD

Establishment of Medical Board.

3. For the purposes of this Act, there is hereby established a Board to be known as the Medical Board.
(Inserted by Act 2 of 1977)

Composition of Board.

4. (1) The Board shall consist of six members and shall be composed of—
- (a) the Chief Medical Officer;
 - (b) the Medical Officer performing the duties of Surgeon Specialist of the Joseph N. France General Hospital;
 - (c) the Medical Officer performing the duties of Physician Specialist of the Joseph N. France General Hospital;
 - (d) two medical practitioners in private practice appointed by the Minister after consultation with the St. Kitts, Nevis Branch of the British Medical Association; and
 - (e) one dentist appointed by the Minister.

(2) A member of the Board appointed by the Minister shall, subject to the provisions of this Act, hold office for a period of two years.

(Inserted by Act 2 of 1977)

Vacation of office by members of Board and filling of vacancies.

5. (1) The office of a member of the Board appointed by the Minister shall become vacant—
- (a) if the holder of the office dies or resigns from his or her office by notice in writing addressed to the Minister; or
 - (b) if the name of the holder of the office is removed from the medical register by the Registrar by virtue of the powers conferred by section 17; or
 - (c) if the holder of the office is, without leave of the Chairperson, absent from three consecutive meetings of the Board.

(2) Whenever the office of a member of the Board appointed by the Minister becomes vacant in accordance with the provisions of subsection (1), the Minister shall appoint a person who is a member of the same profession as the former member (and in the case where the person to be appointed is a medical practitioner, after consultation with the Association referred to in paragraph (d) of subsection (1) of section 4) to fill the vacancy, and that person shall, subject to the provisions of this Act, hold office for the remainder of the period during which the member whose place he or she fills would, but for his or her office becoming vacant, have continued in office.

(3) In the event of incapacity from illness or other temporary cause or of the temporary absence from the State of any member of the Board appointed by the Minister, the Minister may appoint some other person, who is a member of the same profession as the member whose place he or she fills, to act as a temporary member during the time such incapacity or absence continues.

(Inserted by Act 2 of 1977)

Chairperson of Board.

6. The Chief Medical Officer shall be Chairperson of the Board.

Meetings and proceedings of Board.

7. (1) Subject to the provisions of this Act, the Board shall meet, for the despatch of business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit.

(2) The Chairperson may cause a special meeting of the Board to be convened at any time and shall cause such a meeting of the Board to be convened—

- (a) if directed by the Minister to convene a special meeting; or
- (b) if not less than three members of the Board sign a request in writing for such a special meeting and such written request states clearly the purposes for which the meeting is to be convened.

(3) The Chairperson shall preside at any meeting of the Board and in the absence of the Chairperson from any meeting the members present shall elect one of their number to be Chairperson of that meeting.

(4) Four members shall form a quorum at a meeting of the Board.

(5) Any question proposed for decision by the Board shall be determined by a majority of the votes of the members present and voting at a meeting of the Board at which a quorum is present.

(6) The Board may act notwithstanding any vacancy in the membership of the Board.

(7) At all meetings of the Board each member present shall have one vote on a question proposed for decision by the Board and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a second or casting vote.

(8) The Board shall cause minutes to be kept of the proceedings at every meeting of the Board in such manner as the Board may determine and such minutes shall be confirmed by the Chairperson as soon as practicable thereafter at a subsequent meeting of the Board.

(9) The Board may have in attendance any one or more persons at any of its meetings for the purpose of assisting or advising the Board but no such person so attending shall have any right to vote at any such meeting.

(Inserted by Act 2 of 1977)

PART III

REGISTRATION

Appointment of Registrar.

8. The Chief Medical Officer shall be the Registrar under this Act, and it shall be the duty of the Registrar to keep the Medical Register.

(Inserted by Act 2 of 1977)

Medical Register.

9. (1) The Medical Register shall contain separate lists, made out alphabetically according to the surnames, of all the names and addresses, with descriptions and dates of the qualifications in respect of which they are registered, and the dates of

registration of all persons qualified to practise in the State as medical practitioners, dentists, opticians, or chemists and druggists.

(2) In addition to the matters referred to in subsection (1), the medical register shall, in relation to—

(a) a medical practitioner who is temporarily registered under section 25; and

(b) a dentist who is temporarily registered under section 40,

contain a description of the period for which the medical practitioner or dentist, as the case may be, is temporarily registered.

(Inserted by Act 2 of 1977)

(3) The medical register shall at all reasonable times be open to inspection at the Office of the Chief Medical Officer.

(Inserted by Act 2 of 1977)

Registration of persons already qualified.

10. The following persons shall be registered without the payment of any fee while they are in the service of the Government of the State—

(a) medical practitioners entitled to be registered under section 24; and

(b) persons entitled to be registered under sections 39, 43 and 49:

Provided that a person registered without payment of any fee under this subsection shall cease to be registered on the termination of his or her appointment in the service of the Government of the State.

(Amended by Act 2 of 1977)

Application for registration.

11. (1) Where any person desires to be registered under this Act, he or she shall make application to the Registrar, and shall submit such evidence as may be required to establish that he or she is eligible to be registered and is a fit and proper person to be so registered.

(Amended by Act 2 of 1977)

(2) Such evidence shall include a declaration on oath in proof of the applicant's identity and good moral character, and of the authenticity of any diploma or certificate submitted in support of the application.

(3) The Registrar shall forthwith refer such application to the Board and the Board, if satisfied that the applicant is eligible and is a fit and proper person to be so registered, shall direct the Registrar to register him or her upon payment of the appropriate prescribed fee.

(Amended by Act 2 of 1977)

(4) The Registrar shall thereupon make the necessary entry in the Medical Register and publish notice thereof in the *Gazette*, and shall also issue to the person so registered a Certificate of Registration in the form set out in the First Schedule.

(5) In the case where a person is temporarily registered as a medical practitioner under section 25, or as a dentist under section 40, the Registrar shall issue to the person so temporarily registered, a certificate of registration in the form set out in the Second Schedule.

(Inserted by Act 2 of 1977)

Appeal against refusal of registration.

12. (1) Subject to the provisions of subsection (5), if the Board declines to direct the Registrar to register a person who applies to be registered under this Act, that person may, within ninety days after such refusal is communicated to him or her in writing, appeal to the High Court against such refusal.

(2) On any appeal under this section, the Board shall be the respondent.

(3) The High Court may, upon any appeal under this section—

(a) dismiss the appeal and confirm the decision of the Board;

(b) allow the appeal and direct the Board to cause the registration to be effected on payment of the appropriate prescribed fee;

(c) remit the matter to the Board for further consideration; and

(d) make such order as to costs or otherwise as to it may seem just.

(4) The High Court shall have power to regulate any proceedings which have been referred to it under this section.

(5) Nothing in this section shall be construed as conferring any right on a person to appeal against a refusal by the Board to direct that that person be registered temporarily.

(Substituted by Act 2 of 1977)

Additional qualifications.

13. Any person registered under this Act who may have any higher degree or any qualification other than the qualification in respect of which he or she may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the Medical Register, in substitution for, or in addition to, the qualification previously registered, on payment of the prescribed fee.

Alteration in Medical Register.

14. The Registrar may correct any errors or omissions in the Medical Register, and insert in that Register any alteration which may come to his or her knowledge in the name or address of any person registered.

Removal of name from Medical Register on request.

15. The Registrar shall, upon the application of any person registered under this Act, remove the name of such person from the medical register.

Removal of name from medical register in certain cases.

16. The Registrar shall—

(a) on the death of any person registered under this Act, remove the name of such deceased person from the medical register; and

(b) on the expiration of the period for which a person was temporarily registered as a medical practitioner under section 25, or as a dentist under section 40 remove the name of the person so temporarily registered from the medical register.

(Substituted by Act 2 of 1977)

Erasing from Medical Register name of person convicted of crime or disgraceful conduct.

17. (1) Any person registered under this Act—

(a) who is convicted—

(i) of an offence outside the State, which if committed in the State would be punishable on indictment; or

(ii) of such an offence in the State; or

(b) who is alleged to have committed serious professional misconduct,

shall be subject to disciplinary proceedings.

(Substituted by Act 2 of 1977)

(2) Where, in any proceedings referred to in subsection (1), the Board is satisfied that such a person—

(a) has been convicted of an offence under subparagraph (i) or (ii) of paragraph (a) of subsection (1); or

(b) has been guilty of serious professional misconduct,

the Board may—

(i) censure him or her;

(ii) direct the suspension of his or her registration for a period not exceeding one year; or

(iii) direct the Registrar to remove his or her name from the Medical Register.

(Inserted by Act 2 of 1977)

(3) Where the name of any person registered under this Act is removed or erased from the Medical Register, any Certificate of Registration issued to such person shall be deemed to be cancelled.

Provisions relating to disciplinary proceedings.

18. (1) In any disciplinary proceedings referred to in subsections (1) and (2) of section 17 for the purpose of determining whether a person registered under this Act has been guilty of serious professional misconduct, the Minister may, at the request of the Board, appoint a judicial assessor and (where necessary) retain counsel, to assist the Board, and in any such disciplinary proceedings the complainant (if any) and the person against whom serious professional misconduct is alleged shall be entitled to be heard and may be represented by counsel.

(2) The Minister may make rules prescribing the procedure to be followed with respect to the institution and conduct of disciplinary proceedings under section 17.

(Substituted by Act 2 of 1977)

Appeals to High Court.

19. (1) Any person who is aggrieved by the decision of the Board under subparagraph (i), (ii) or (iii) of paragraph (b) of subsection (2) of section 17 may, within ninety days after the decision of the Board has been communicated to him or her in writing by the Registrar, appeal to the High Court against such decision.

(2) On any appeal under this section the Board shall be the respondent.

(3) No direction—

- (a) for the suspension of the registration of a person under subparagraph (ii); or
- (b) for the removal of the name of a person from the medical register under subparagraph (iii),

of paragraph (b) of subsection (2) of section 17 shall take effect until the expiration of the time for appealing or, if an appeal is brought, until such time as the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) At the hearing of an appeal under this section the High Court may—

- (a) dismiss the appeal and confirm the decision of the Board;
- (b) allow the appeal and set aside the decision of the Board;
- (c) remit the matter to the Board for further consideration;
- (d) set aside the penalty imposed by the Board and impose in substitution therefor such other penalty as may be imposed under paragraph (b) of subsection (2) of section 17, as it thinks fit;
- (e) make such order as to costs or otherwise as may to it seem just.

(5) The High Court shall have power to regulate the proceedings in an appeal under this section.

(Inserted by Act 2 of 1977)

Name may be restored to register.

20. The Board may, if it thinks fit, in any case direct any name removed or erased from the medical register to be restored to the register on the payment of the appropriate prescribed fee.

(Substituted by Act 2 of 1976)

Publication of copy of Register and evidence of registration.

21. (1) The Registrar, in the month of February in each year, shall cause to be published in the *Gazette* a copy of the Medical Register.

(2) The Registrar shall also cause to be published in the *Gazette* a notice of each cancellation of registration.

(3) A copy of the Medical Register for the time being published in the *Gazette* shall be evidence in all cases (until the contrary be made to appear) that the persons therein specified are registered under this Act, and the absence of the name of any person from such copy or the production of a notice of cancellation of registration published in the *Gazette* shall be evidence (until the contrary be made to appear) that such person is not registered under this Act:

Provided that in the case of a person whose name does not appear in such copy of the Medical Register, a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under this Act.

(4) A Certificate of Registration under the hand of the Registrar shall also be evidence in all cases (until the contrary be made to appear) that the person to whom such Certificate has been issued is duly registered under this Act.

Penalty for obtaining registration by false representation.

22. Any person who fraudulently procures or attempts to procure himself or herself or any other person to be registered under this Act or who aids or abets in such fraudulent procurement or attempt, commits a misdemeanour and shall, on conviction, be liable to imprisonment with or without hard labour for a term not exceeding two years.

Penalty for Registrar making false entry.

23. Any Registrar or other person who fraudulently makes or causes or permits to be made any false or incorrect entry in the Medical Register or any copy thereof commits a misdemeanour and shall, on conviction, be liable to imprisonment with or without hard labour for a term not exceeding two years.

PART IV

MEDICAL PRACTITIONERS

Persons entitled to be registered.

24. (1) Any person who satisfies the Board—

- (a) that he or she can read, write, speak and understand the English language;
- (b) that he or she is qualified to be registered as a medical practitioner;
- (c) that he or she is a fit and proper person to practise medicine in the State,

shall, upon compliance with the requirements of this Act and on payment of the appropriate prescribed fee, be entitled to be registered as a medical practitioner.

(Substituted by Act 2 of 1977)

(2) For the purposes of subsections (3), (4) and (5) “qualification” means any diploma, degree, fellowship, membership, licence, certificate or other status or form of recognition granted by a university, college or body empowered to confer a qualification in medicine by the law of the country or place where the qualification was granted.

(Inserted by Act 2 of 1977)

(3) For the purposes of paragraph (b) of subsection (1), a person is qualified to be registered as a medical practitioner if he or she—

- (a) is the holder of a qualification; and
- (b) has had training or experience in the practice of medicine in the country or place where the qualification was granted,

which, in the opinion of the Board, are evidence of satisfactory medical training.

(Inserted by Act 2 of 1977)

(4) For the purposes of subsection (3)—

- (a) a qualification which the holder has obtained from—
 - (i) the University of the West Indies; or
 - (ii) a University or other body in the United Kingdom, the Republic of Ireland, the United States of America, or Canada; and

- (b) such training or experience in the practice of medicine as is required by law of the country or place where the qualification was granted to entitle the holder to be registered as a medical practitioner in that country or place,

shall be deemed to be evidence of satisfactory medical training.

(Inserted by Act 2 of 1977)

(5) Nothing in subsection (4) shall be construed as precluding the Board from forming an opinion that—

- (a) a qualification obtained from a university or body, other than a university or body referred to in paragraph (a) of subsection (4); and
- (b) such training or experience as is referred to in paragraph (b) of subsection (4),

are evidence of satisfactory medical training.

(Substituted by Act 2 of 1977)

(6) Notwithstanding the provisions of subsection (1) any person born or domiciled in the State, who shows to the satisfaction of the Board that he or she is of good moral character and holds a medical or surgical degree, diploma or qualification of any university or institution of the United States of America or of Canada and that such degree, diploma or qualification furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery, and midwifery, and otherwise, fulfils the conditions prescribed by this Act, shall be entitled to be registered as a medical practitioner under this Act:

Provided—

- (a) that the medical degree, diploma or qualification was obtained by examination after attending a prescribed medical course;
- (b) that the medical course was attended and the degree, diploma or qualification obtained within the period between the first day of September, 1939, and the first day of January, 1952; and
- (c) that the degree, diploma or qualification is registrable in the country in which it was obtained.

(Amended by Act 2 of 1977)

Temporary provisional and special registration of medical practitioners.

25. (1) Notwithstanding anything contained in section 24, the Board may direct the Registrar to register temporarily, for a period not exceeding six months, any person who—

- (a) applies to the Registrar to be temporarily registered as a medical practitioner under this Act;
- (b) satisfies the Board—
 - (i) that he or she is temporarily in the State; and
 - (ii) that he or she is entitled to be registered as a medical practitioner under this Act; and
- (c) pays one half of the appropriate prescribed fee.

(2) The provisions of sections 26 and 28 shall apply in relation to a person temporarily registered as a medical practitioner under this section, for so long as that

person is so temporarily registered, as they apply in relation to a person registered as a medical practitioner under this Act.

(3) The Board may, if it thinks fit, at any time direct the Registrar to cancel the registration of a person temporarily registered as a medical practitioner under this section, and thereupon that person shall cease to be qualified to practise in the State as a medical practitioner.

(Substituted by Act 2 of 1977)

(4) The Registrar may provisionally register the name of any person who satisfies the Board that he or she is employed as an intern in the field of medicine, for the period of the internship.

(Inserted by Act 6 of 1992)

(5) The Registrar may specially register for a period not exceeding three years the name of any person who satisfies the Board—

- (a) that he or she is qualified to practise medicine in any country or place; and
- (b) that he or she is doing special work in the field of public health or research and is sponsored in such work by the University of the West Indies, the World Health Organisation, the Pan-American Health Organisation or such other organisation or body as the Minister approves after consultation with the Board; or
- (c) that he or she is employed on a full-time basis in the public service and is working under the supervision of a medical practitioner.

(Inserted by Act 6 of 1992)

Rights of registered practitioners.

26. (1) A person who is registered as a medical practitioner shall be entitled to practise medicine, surgery, and midwifery in any part of the State, and to demand and recover in any court of competent jurisdiction his or her reasonable charges for professional aid, advice and visit, and the cost of any medicine or other medical or surgical appliances, rendered or supplied by him or her to his or her patients.

(2) No person shall be entitled to recover any charge in a court for any medical or surgical advice or attendance or for the performance of any operation, or for any medicine which he or she has both prescribed and supplied, unless he or she is registered as a medical practitioner under this Act.

Offences by unregistered persons.

27. A person who, not being registered as a medical practitioner under this Act—

- (a) practises medicine or surgery or performs any surgical operation or gives any medical opinion or advice, or prescribes any medical or surgical treatment within the State, in respect of which he or she demands or receives any fee or gratuity, or any remuneration, profit or compensation under pretext of services rendered, loss of time, travelling or other expenses, or under any other pretext; or
- (b) holds himself or herself out or pretends to be or takes or uses the name or title of physician, surgeon, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine or practitioner in medicine, or takes or assumes any other step, title, addition, designation or description implying that he or she is qualified to practise medicine, surgery, or midwifery under this Act, or that he or

she is recognised by law as a physician or surgeon or licentiate in medicine or surgery, or practitioner in medicine,

commits an offence and shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars for the first offence, and to a fine not exceeding three thousand dollars for the second or any subsequent offence.

(Amended by Acts 7 of 1976 and 9 of 1986)

Validity of certificates.

28. No certificate required by any Act now in force or that may hereafter be passed from any physician or other medical practitioner shall be valid unless the person signing the same be registered under this Act.

PART V

CHIROPRACTORS AND CHIROPODISTS

Practice of chiropractic.

29. No person, unless duly registered as a chiropractor under the provisions of this Act, shall practise chiropractic in Saint Christopher and Nevis, recover in any court of competent jurisdiction reasonable charges for chiropractic services or shall take or use the title of chiropractor (either alone or in combination with any other word or words) implying that he or she is registered under this Act to practise chiropractic.

(Inserted by Act 6 of 1992)

Persons entitled to be registered.

30. (1) Any person who satisfies the Board that—

- (a) he or she can read, write, speak and understand the English language;
- (b) he or she is qualified to be registered as a chiropractor;
- (c) he or she is a fit and proper person to practise chiropractic in Saint Christopher and Nevis,

shall, upon compliance with the requirements of this Act and on payment of the appropriate prescribed fee, be entitled to be registered as a chiropractor.

(2) A person is qualified to be registered if he or she has obtained any degree, diploma, fellowship, membership, licence, certificate or other status or form of recognition granted by a university, college or body empowered to confer a qualification in chiropractic by the law of the place where the qualification was granted and such place is situate in either a Commonwealth country, the United States of America or in such other country as the Board approves.

(Inserted by Act 6 of 1992)

Offences by unregistered persons.

31. Any person, not being registered as a chiropractor under this Act, who—

- (i) practises or holds himself or herself out, whether directly or by implication, as practising or entitled to practise chiropractic; or
- (ii) takes or uses the title of chiropractor as indicated in section 29 of this Act,

commits an offence, and shall be liable, on summary conviction, to a fine not exceeding one thousand dollars.

(Inserted by Act 6 of 1992)

Practice of chiropody.

32. No person, unless duly registered as a chiropodist under the provisions of this Act, shall practise chiropody in Saint Christopher and Nevis, recover in any court of competent jurisdiction reasonable charges for chiropodist services or shall take or use the title of chiropodist (either alone or in combination with any other word or words) implying that he or she is registered under this Act to practise chiropody.

(Inserted by Act 6 of 1992)

Persons entitled to be registered.

33. (1) Any person who satisfies the Board that—

- (a) he or she can read, write, speak and understand the English language;
- (b) he or she is qualified to be registered as a chiropodist;
- (c) he or she is a fit and proper person to practise chiropody in Saint Christopher and Nevis,

shall, upon compliance with the requirements of this Act and on payment of the appropriate prescribed fee, be entitled to be registered as a chiropodist.

(2) A person is qualified to be registered if he or she has obtained any degree, diploma, fellowship, membership, licence, certificate or other status or form of recognition granted by a university, college or body empowered to confer a qualification in chiropody by the law of the place where the qualification was granted and such place is situate in either a Commonwealth country, the United States of America or in such other country as the Board approves.

(Inserted by Act 6 of 1992)

Offences by unregistered persons.

34. Any person, not being registered as a chiropodist under this Act, who—

- (i) practises or holds himself or herself out, whether directly or by implication, as practising or entitled to practise chiropody; or
- (ii) takes or uses the title of chiropodist as indicated in section 32 of this Act,

commits an offence, and shall be liable, on summary conviction, to a fine not exceeding one thousand dollars.

(Inserted by Act 6 of 1992)

Exemptions.

35. Nothing in this Part shall extend to prejudice or in any way affect registered medical practitioners.

(Inserted by Act 6 of 1992)

PART VI

PODIATRIST

Definition of the practice of podiatry.

36. For the purposes of this Part, the practice of podiatry means the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, except amputation proximal to the metatarsal-phalangeal joints.

(Inserted by Act 4 of 1994)

Practice of podiatry.

37. No person shall, unless duly registered as a podiatrist under the provisions of this Act—

- (a) practice podiatry in the Federation;
- (b) recover in any court reasonable charges for podiatrist services;
- (c) take or use the title of podiatrist, either alone or in combination with any other word or words, implying that he or she is registered under this Act to practice podiatry.

Persons entitled to be registered.

38. (1) Any person who satisfies the Board that—

- (a) he or she can read, write, speak and understand the English language;
- (b) he or she is qualified to be registered as a podiatrist;
- (c) he or she is a fit and proper person to practice podiatry in the Federation shall, upon compliance with the requirements of this Act and on the payment of the prescribed fee, be entitled to be registered as a podiatrist.

(2) A person is qualified to be registered as a podiatrist if he or she has obtained any degree, diploma, fellowship, membership, licence, certificate or other status or form of recognition granted by a university, college or body empowered to confer a qualification in podiatry by the law of the place where the qualification was granted and the place is situated in either a Commonwealth country or in such other country as the Board may approve.

Offences by unregistered persons.

39. Any person who, not being registered as podiatrist under this Act—

- (a) practises or holds himself or herself out, whether directly or by implication, as practising or entitled to practise podiatry; or
- (b) takes or uses the title of podiatrist as indicated in section 37 of this Act,

commits an offence and shall be liable, on summary conviction, to a fine not exceeding one thousand dollars.

Exemptions.

40. Nothing in this Part shall extend to prejudice or in any way affect registered medical practitioners.

PART VII

DENTISTS

***Definition of the practice of dentistry.**

41. For the purposes of this Part, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists, and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to, or for the purposes of, or in connection with the fitting, insertion, or fixing of artificial teeth, shall be deemed to have practised dentistry within the meaning of this Act.

†Registration of dentists.

42. No person, unless duly registered as a dentist under the provisions of this Act, shall take or use the name or title of dentist (either alone or in combination with any other word or words), of dental practitioner, or any name, title, addition or description, implying that he or she is registered under this Act, or that he or she is a person specially qualified to practise dentistry.

Offences by unregistered persons.

43. Any person, not being registered as a dentist under this Act, who—

- (a) takes or uses any such name, title, addition or description as aforesaid, or any addition to a name, designation or description, whether expressed in words, or by letters or partly in words and partly in letters; or
- (b) practises or holds himself or herself out, whether directly or by implication, as practising or entitled to practise dentistry,

commits an offence, and shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars for the first offence and to a fine not exceeding three thousand dollars for the second or any subsequent offence:

Provided that nothing in this section shall operate to prevent—

- (a) the practise of dentistry by a registered medical practitioner;
- (b) the extraction of teeth by a duly registered chemist and druggist with the application of local anæsthetics other than cocaine, if authorized in writing so to do by the Board; or
- (c) the performance of any minor dental work by anyone under the direct personal supervision of a registered dentist.

(Amended by Acts 7 of 1976, 2 of 1977 and 9 of 1986)

§Qualifications necessary for registration.

44. The following persons shall be entitled to be registered as dentists under this Act, that is to say, any person who shows to the satisfaction of the Board that he or

* Originally section 29.

† Originally section 30.

‡ Originally section 31.

§ Originally section 32.

she is of good moral character, and otherwise fulfils the conditions prescribed by this Act, and who—

- (a) holds any diploma or licence from any university, college or incorporated society in the United Kingdom or Ireland having authority to grant the same, and is by law entitled to practise dental surgery or dentistry in the United Kingdom or Ireland; or
- (b) holds a certificate from a British possession or a foreign country recognized for the time being as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dental surgery or dentistry.

(Amended by Act 2 of 1977)

***Temporary registration of dentists.**

45. (1) Notwithstanding anything contained in this Act, the Board may direct the Registrar to register temporarily for a period not exceeding six months any person who—

- (a) applies to the Registrar to be temporarily registered as a dentist under this Act;
- (b) satisfies the Board—
 - (i) that he or she is temporarily in the State;
 - (ii) that he or she is entitled to be registered as a dentist under this Act; and
- (c) pays one half of the appropriate prescribed fee.

(2) The provisions of section 46 shall apply in relation to a person temporarily registered as a dentist under this section, for so long as that person is so temporarily registered, as they apply in relation to a person registered as a dentist under this Act.

(3) The provisions of subsection (3) of section 25 shall apply with any necessary modifications in relation to a person temporarily registered as a dentist under this section as they apply in relation to a person temporarily registered as a medical practitioner under section 25.

(Inserted by Act 6 of 1976)

†No recovery of fees by unregistered person.

46. No person shall be entitled to recover any fees or charge in any court for the performance of dental attendance or advice unless he or she is duly registered as a dentist under this Act or is a registered medical practitioner, or is empowered to charge fees for his or her services under any authority granted by the Minister under the preceding section.

(Amended by Act 6 of 1976)

* Originally section 32A.

† Originally section 33.

PART VIII

OPTICIANS

No person to practise sight-testing unless registered.

47. No person, unless duly registered as an optician under the provisions of this Act, shall practise sight-testing in the State either for or without reward or carry on business as an optician or take or use the title of optician (either alone or in combination with any other word or words) or name, title, addition or description implying that he or she is registered under this Act or that he or she is a person specially qualified to practise sight-testing.

Persons entitled to be registered.

48. The following persons, upon satisfying the Board by documentary or other evidence that they are of good moral character and of their right to be registered and upon payment of the prescribed fee, shall be entitled to be registered as opticians under this Act, namely—

- (a) a person qualified or entitled to practise sight-testing in the United Kingdom under any Act for the time being in force or who holds the Sight-Testing Diploma of the Worshipful Company of Spectacle Makers or the British Optical Association, both of London, England;
- (b) a person who holds a diploma, licence or certificate granted to him or her by any university college or institution in a British possession or foreign country recognized by the Board as furnishing a sufficient guarantee of the possession or requisite knowledge and skill for the efficient practice of sight-testing.

(Amended by Act 2 of 1977)

***Evidence of practice of sight-testing.**

49. The use of test lenses, spectacles, trial frames, ophthalmoscope, retinoscope or any apparatus that may be used to measure refraction, or visual acuity, or muscular equilibrium, shall be deemed conclusive evidence of the practice of sight-testing.

†

Registered optician entitled to recover charges.

50. A person who is registered as an optician under this Act shall be entitled to practise sight-testing in this State and to demand and recover in any court of competent jurisdiction reasonable charges for professional services or optical aid rendered by such person, and the cost of merchandise supplied by him or her, and no person, unless he or she is so registered, shall be entitled to recover any charge or fee in any court for performing any act or giving any advice as an optician.

‡

Offences.

51. Any person who—

- (a) not being registered as an optician under this Act shall use or take the name or title or hold himself or herself out or pretend to be an

* Originally section 36.

† Originally section 37.

‡ Originally section 38.

optometrist, optician or doctor or professor of optometry or any name, title, description or addition whether expressed in words or letters or both implying such qualifications or that he or she is a person specially qualified to sight-testing;

- (b) whether registered under this Act or not, and not being a registered medical practitioner, assumes the title of oculist or eyesight specialist, or uses or causes to be used in connection with his or her business, trade, calling or profession, any written words, titles, initials, additions or abbreviations which are intended to represent or may reasonably cause any person to believe that he or she is qualified to practise medical or surgical treatment of the eye;
- (c) whether registered under this Act or not, and not being a registered medical practitioner or acting under the instructions of a registered medical practitioner, administers any drug for the purpose of paralysing the accommodation of the eye or otherwise for facilitating the measurement of the powers of vision, or treats any disease of the eye by use of drugs; or
- (d) contravenes the provisions of section 47,

commits an offence against this Act, and shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars for the first offence, and to a fine not exceeding three thousand dollars for the second or any subsequent offence.

(Amended by Acts 7 of 1976 and 9 of 1986)

***Exemptions.**

52. (1) Nothing in this Part shall extend to prejudice or in any way affect registered medical practitioners.

(2) Nothing in this Act shall operate so as to prohibit—

- (a) any registered chemist and druggist from dispensing, selling or supplying any drugs;
- (b) any wholesale dealer from supplying frames, ophthalmic lenses, or spectacles in the ordinary course of wholesale business; or
- (c) any person from selling from a permanent place of business, and otherwise than in compliance with a prescription given by a registered medical practitioner, or a registered optician, spectacles kept in stock in a state ready for use.

PART IX

CHEMISTS AND DRUGGISTS

†No person to practise as druggist unless registered.

53. (1) No person, unless duly registered as a chemist and druggist under the provisions of this Act, shall practise as a chemist or take or use the title of chemist or

* Originally section 39.

† Originally section 40.

druggist or pharmaceutical chemist or pharmacist or dispensing chemist or dispensing druggist or any name, title or sign implying that he or she is registered under this Act, or that he or she is a person qualified to practise as a chemist and druggist.

(2) Any person who contravenes the provisions of this section commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars for the first offence and to a fine not exceeding five thousand dollars for the second or any subsequent offence.

(Amended by Acts 7 of 1976 and 9 of 1986)

***Qualifications for registration.**

54. The following persons shall be entitled to be registered as chemists and druggists under this Act, that is to say—

- (a) any person who possesses a diploma or certificate entitling him or her to practise as a pharmaceutical chemist or as a chemist and druggist or as an apothecary in any part of the United Kingdom;
- (b) any person who at the commencement of this Act is the holder of a licence from the Minister under the Druggists Act;
- (c) any person possessing a diploma or certificate entitling him or her to practise as a pharmaceutical chemist and druggist or as an apothecary in any country within the Commonwealth if the Board is satisfied that the documents evidencing the qualifications of any such person and produced by him furnish sufficient guarantee of his or her knowledge and skill;

(Amended by Act 2 of 1977)

- (d) any person producing to the Registrar a certificate of competency issued by the Board under the provisions of this Act.

(Amended by Act 2 of 1977)

Procedure to be followed by applicants for certificates of competency.

55. (1) Any person desiring to obtain a certificate of competency under this Act may apply in writing for that purpose to the Registrar, submitting with his or her application, certificates of his or her—

- (a) moral character and respectability;
- (b) having attained the age of twenty-one years;
- (c) general education;
- (d) having been engaged for at least three years in the study of pharmacy, the last of which must have been devoted to dispensing work under a registered medical practitioner or chemist and druggist.

(2) If such certificates shall be found satisfactory, the Registrar shall, upon payment of the prescribed examination fee, request the Board, to examine the applicant and such examination shall be conducted by the Board who shall examine the applicant as to his or her fitness to be entrusted with the sale of drugs and poisons, as to his or her special knowledge of the same, and as to his or her ability to prepare and make up medicines and prescriptions.

(Amended by Act 2 of 1977)

* Originally section 41.

(3) The examination shall be conducted in accordance with the rules to be made by the Board subject to the approval of the Minister, and such rules may provide for the mode of conducting the examination and for the subjects of examination and for the number of qualifying marks in each subject to be gained by any candidate in order to entitle him or her to a certificate of competency.

(Amended by Act 2 of 1977)

(4) After the completion of such examination the Board shall, in case the applicant has passed the examination and has satisfied the Board that he or she is a fit and proper person to practise as a chemist and druggist, issue to the applicant a certificate of competency in the form set out in Schedule C and forward to the Registrar under this Act a duplicate of such certificate, and direct the Registrar to register him or her upon payment of the prescribed fee.

(Amended by Act 2 of 1977)

***Exemption.**

56. Nothing in this Part shall operate to prevent any registered medical practitioner from compounding, dispensing or selling medicines by retail.

PART X

SALE OF DRUGS AND POISONS

Prohibition of sale of drugs by unregistered person.

57. (1) No person shall keep open any shop for selling, retailing, dispensing or compounding, or shall sell, retail, dispense or compound medicines, drugs or poisons, unless those medicines, drugs or poisons are sold, retailed, dispensed or compounded, in a shop which is under the immediate personal control, management and supervision of a duly registered chemist and druggist, employed therein for the purpose, who is not acting in a similar capacity for any other person or in any other shop, and unless the medicines, drugs or poisons aforesaid are sold, retailed, dispensed, or compounded, by or under the direct charge and supervision of a registered chemist and druggist:

Provided that nothing in this section shall be deemed to restrict the right of any person to sell any patent or proprietary medicines in the same package, bottle, box or other container, and under wrapper or cover, as imported into the State, properly secured and bearing the seal, name or trade mark of the proprietor, inventor or manufacturer thereof and directions for their use, and any household or domestic medicines of a non-poisonous nature, and medicines known as quinine, senna, epsom salts, and castor oil:

And provided that the sale of any class of patent or proprietary medicines by unregistered persons may at any time be prohibited by order made by the Minister and published in the *Gazette*.

(Amended by Act 2 of 1977)

(2) The registered person by or under whose supervision any drugs or poisons are dispensed or compounded shall write, on a label on the bottle or other package containing the drugs or poison, his or her name or initials; and any label attached to

* Originally section 43.

the bottle or package and having the name or initials of any registered person written thereon, shall be *prima facie* evidence in any case that the drugs or poison were or was dispensed or compounded by him or her or under his or her supervision.

(3) The person by or in whose name any open shop aforesaid is kept, shall see that the provisions of the preceding subsection are complied with in respect of all drugs or poisons sent from his or her shop.

(Originally section 44)

***Sign on shop for sale of drugs.**

58. (1) Any person having or keeping open any shop for the sale of drugs and poisons shall have over the principal entrance of the shop, painted in legible characters at least one inch each in length, the name of the registered chemist and druggist employed therein, with the addition of the words "Registered Chemist and Druggist".

(2) Any person who contravenes the provisions of this section commits an offence, and shall be liable, on summary conviction, to a fine not exceeding three hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

†Refusal to dispense. Improper or negligent conduct.

59. If any person who is a registered chemist and druggist at any time—

- (a) wilfully refuses to mix, compound or prepare or to sell, put to sale or dispense to any person any drug or any appliance or anything used in medical treatment and contained in his or her shop or premises or in the shop or premises of his or her employer, as the case may be; or
- (b) deliberately or negligently, falsely, fraudulently or unduly makes, mixes, compounds, prepares, or gives or sells, puts to sale or dispenses any drug appliance or anything directed by any prescription, order or receipt signed with the name or with the initials in his or her own handwriting of any duly qualified medical practitioner,

he or she commits an offence against this Act.

‡

Prescriptions to be numbered and filed.

60. (1) A person who is a registered chemist and druggist shall—

- (a) number each medical prescription which shall be brought to his or her establishment or to the establishment of his or her employer, as the case may be, to be made up;
- (b) file the medical prescription, or, in the event of the person for whom the prescription was given desiring to retain the original prescription, and such prescription does not contain any dangerous substances or quantities of any substance which would make it inadvisable for the qualified druggist to part with the same, a true copy thereof;
- (c) register in a book the number and date of each medical prescription made up on his or her establishment, or on the establishment of his or

* Originally section 45.

† Originally section 46.

‡ Originally section 47.

her employer, as the case may be, the name of the person for whom, and the name of the medical practitioner by whom the same was given, the particulars of every such prescription, and the directions which accompanied the medicine.

(2) Any person who fails to comply with the requirements of this section commits an offence against this Act.

*

Substances to be deemed poisons.

61. (1) The several articles named and described in the Fourth Schedule shall be deemed to be poisons within the meaning of this Act.

(2) The Minister may, at any time hereafter, declare, by Order, that any other article, not mentioned or included in the Fourth Schedule shall be deemed to be a poison within the meaning of this Act; and such article shall be accordingly added to the Schedule and classified in such part thereof as the Minister may by such Order direct.

(Amended by Act 2 of 1977)

(3) The Minister may, by Order, amend the Fourth Schedule by declaring that any articles included in that Schedule shall thenceforth be excluded therefrom, or by altering or modifying the description of any article included in that Schedule.

(Amended by Act 2 of 1977)

†Prohibition of sale of poison to person under sixteen.

62. No person shall sell any poison to any person under sixteen years unless prescribed by a legally qualified medical practitioner, and any person who offends against this section commits an offence, and shall be liable, on summary conviction, to a fine not exceeding one hundred and fifty dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

‡Restriction on sale of poison.

63. (1) No person shall sell any poison either by wholesale or retail unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly marked by a label stating the name of the article and the word 'poison' and the name and address of the seller of the poison, and in the case of a preparation containing a poison as one of its ingredients stating in addition thereto, the quantity of that poison in each dose of the preparation; and no person shall sell any poison named in Part I of the Fourth Schedule to any person unknown to the seller unless introduced by someone known to both parties; and on every sale of the article the seller shall, before delivery, enter or cause to be entered in a book to be kept for that purpose in the form set out in the Fifth Schedule, the date of sale, name and address of purchaser, name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, and to the entry the signature of the purchaser and of the introducer, if any, shall be affixed:

Provided that—

(a) where the purchaser is a registered medical practitioner, veterinary surgeon or dentist, an order signed by the purchaser may be accepted

* Originally section 48.

† Originally section 49.

‡ Originally section 50.

in place of the signature in the book aforesaid, and the seller shall enter therein the words 'signed order' and retain the order for a period of two years; and

- (b) in cases of emergency, any poison named in Part I of the Fourth Schedule or hereafter added to it, may be, on the written undertaking of a registered medical practitioner, veterinary surgeon or dentist, to furnish a signed order therefor within twenty-four hours, sold without the immediate requirement of the signed order or of the purchaser's signature in the book.

(2) Any person who sells poisons otherwise than as provided under this Act, commits an offence, and shall be liable, on summary conviction, to a fine not exceeding one hundred and fifty dollars for the first offence and three hundred dollars for the second or any subsequent offence.

(Amended by Acts 7 of 1976 and 9 of 1986)

(3) For the purposes of this section, the person on whose behalf any sale is made by an apprentice or servant shall be deemed to be the seller.

(4) This section shall not apply to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, or to any article when forming part of the ingredients of any medicine dispensed by or under the supervision of any person registered under this Act, but the medicine shall be labelled in the manner aforesaid with the name and address of the seller and the ingredients thereof shall be entered with the name and address of the person to or for whom it is sold or delivered in a book to be kept for that purpose.

(5) No person shall sell any arsenic unmixed with other drugs unless before the sale thereof it is mixed with soot or indigo in the proportion of one ounce of soot, or half an ounce of indigo, at the least, to one pound of the arsenic, and so in proportion for any greater or less quantity:

Provided that where arsenic is stated by the purchaser to be required for some purpose for which that admixture would, according to the representation of the purchaser, render it unfit, the arsenic may be sold without the admixture in a quantity of not less than ten pounds at any time.

*

Penalty for false information.

64. If any person purchasing any poison gives false information to the person selling the same in relation to the particulars which such last mentioned person is hereby authorized to enquire into of such purchaser, or if any person shall sign his or her name as a witness to a sale of poison to a person unknown to the person so signing as a witness, every person so offending shall for every such offence be liable, on summary conviction, to a fine not exceeding five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

†Prohibition of sale or delivery of poison by uncertified shop assistant.

65. (1) No poison shall be sold, dispensed or delivered by any shop assistant, or apprentice or other person except under the immediate supervision of a registered chemist and druggist or medical practitioner.

* Originally section 51.

† Originally section 52.

(2) Any shop assistant, or apprentice or other person who contravenes this section, and any person who keeps open any shop for the sale of drugs and poisons and the registered chemist and druggist by or under whose supervision any drugs or poisons are dispensed or compounded thereat, who permits or suffers any shop assistant, apprentice or other person to contravene this section commits an offence, and shall be liable, on summary conviction, to a fine not exceeding one hundred and fifty dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

***Duty of druggist where excessive dose of poison prescribed.**

66. Any chemist and druggist who receives a prescription in which the maximum dose of any poisonous drug as laid down in the British pharmacopœia has been exceeded, shall not dispense the prescription unless that dose is specially initialled by the prescriber, but may reduce the dose, or without delay, refer the prescription to the prescriber to be initialled if correct before proceeding to dispense it.

†

Label on container of patent or proprietary medicine.

67. No patent or proprietary medicine shall be sold unless the box, bottle, vessel, wrapper, or cover in which that medicine is contained is distinctly labelled with the proportion of alcohol (if any) and of any of the substances or any of the preparations, derivatives, or salts of those substances (if any) mentioned in the Fourth Schedule, contained in the medicine.

‡

Prohibition of sale of unfit drugs.

68. (1) No person having or keeping open any shop for the sale of drugs or medicines shall sell or offer for sale any drug or medicine which is unfit for use.

(2) A person who offends against the provisions of this section commits an offence, and shall be liable, on summary conviction, to a fine not exceeding three hundred dollars, in addition to and irrespective of any penalty to which he or she may be liable in case he or she shall not be registered under this Act.

(Amended by Acts 7 of 1976 and 9 of 1986)

§Inspection of drugs and books.

69. (1) It shall be lawful for any police officer or member of the Board to enter the shop or store of any person registered as a chemist and druggist, or employing a person registered as a chemist and druggist under this Act, for the purpose of inspecting the medicines, drugs and poisons therein, and the sale of poisons book and such other books or records as may be necessary to ascertain whether the provisions of this Act are being complied with, and to seize any medicines, drugs or poisons appearing to be stale, unwholesome, adulterated or unfit for use.

(Amended by Act 2 of 1977)

(2) The medicines, drugs or poisons so seized shall be submitted as soon as practicable to two registered medical practitioners for examination and if in their

* Originally section 53.

† Originally section 54.

‡ Originally section 55.

§ Originally section 56.

opinion the same are stale, unwholesome, adulterated or unfit for use they shall be destroyed, without compensation to the owner.

(3) Any person who obstructs or hinders any police officer or other person charged with the execution of any duty under this section commits an offence under this Act.

*

Regulations.

70. (1) The Minister may make regulations prescribing the fees payable by persons in respect of registration under this Act, for controlling and regulating the possession and sale of poisons and for the purposes of carrying out the provisions of this Act.

(Amended by Act 2 of 1977)

(2) The regulations made under this section may provide, amongst other things—

- (a) for regulating the possession of poisons;
- (b) for regulating the sale of poisons;
- (c) for fixing the quantities of poison which wholesale or retail dealers or other persons may respectively keep;
- (d) for prohibiting or subjecting to conditions the possession and sale of poison in any shop or place where articles of food are sold or exposed for sale;
- (e) for prescribing the marks which wholesale or retail dealers shall place on vessels or cases containing poison in the ordinary course of wholesale or retail dealing;
- (f) for prescribing the books to be kept and entries to be made therein by wholesale or retail dealers when dealing wholesale or retail with poisons;
- (g) for every other purpose which may be deemed necessary for controlling and regulating the possession and sale of poisons.

(3) Notwithstanding subsection (1), the Minister may make Regulations empowering the Governor-General to appoint a Medical Board for the purpose of General Order 227 of the General Orders.

(Inserted by Act 12 of 2002)

Penalties.

71. Any person who fails to comply with any of the requirements of this Act or of any order or regulation made under this Act, or does anything contrary to the provisions of this Act commits an offence, and shall, in cases where a penalty is not specifically imposed by this Act be liable, on summary conviction, to a fine not exceeding five hundred dollars:

Provided always that nothing in this Act contained shall prevent any person from being liable to any other penalty, damages or punishment to which he or she would have been subject if this Act had not been passed.

(Amended by Acts 7 of 1976 and 9 of 1986)

* Originally section 57.

Construction of reference to Board in other laws.

72. In any law, other than this Act, which was in force immediately before the commencement of the Medical (Amendment) Act, No. 2 of 1977, unless the context otherwise requires, a reference to a Medical Board, or the Medical Board shall be construed as a reference to the Medical Board established by section 3 of that Act.
(inserted by Act 2 of 1977)

FIRST SCHEDULE

(Section 11(4))

MEDICAL ACT

State of Saint Christopher and Nevis.

No

Certificate of Registration

It is hereby certified that
of has been duly
registered as entitled to practise as a in
the State of Saint Christopher and Nevis under the provisions of the Medical Act.

Dated

.....

Registrar.

SECOND SCHEDULE

(Section 11(5))

MEDICAL ACT

Saint Christopher and Nevis

No

Certificate of temporary Registration

It is hereby certified that
of

Dated

.....

Registrar.

THIRD SCHEDULE

(Section 55)

MEDICAL ACT

State of Saint Christopher and Nevis.

No

Certificate of Competency

It is hereby certified that
of has been duly examined
and is duly qualified to be registered as a chemist and druggist under the provisions
of the Medical Act.

Dated

.....
Chairperson, Medical Board.

FORUTH SCHEDULE

(Sections 61, 63 and 67)

PART I

Arsenic, and its preparations, except preparations for use exclusively in agriculture or horticulture for the destruction of insects, fungi, or bacteria, or as a sheep wash or sheep dip, if the preparations are (1), contained in a closed package or vessel distinctly labeled with a notice of the special purpose for which the preparation is intended; and (2), sold upon an order in writing given by or on behalf of a person, firm or body corporate known to the vendor; and (3), purchased for the purpose of the trade or profession of such person, firm or body corporate.

Aconite, Aconitine and their preparations.

Alkaloids, all poisonous alkaloids not specifically named in this schedule, and their salts, and all poisonous derivatives of alkaloids.

Atropine, and its salts, and their preparations.

Belladonna, and all preparations or admixtures (except belladonna plaisters) containing 0.1 or more per cent of belladonna alkaloids.

Cannabis (the dried flowering or fruiting tops of the pistillate plant of cannabis sativa) and the resins prepared therefrom.

Cantharides and its poisonous derivatives.

Coca, any preparation or admixture of, containing 0.1 or more per cent of coca alkaloids.

Corrosive sublimate.

Cyanide of potassium, and all poisonous cyanides and their preparations.

Diamorphine (also known as Heroin), and all preparations or admixtures containing 0.1 per cent of diamorphine.

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.

Digitalin, and all other poisonous constituents of Digitalis.

Ecgonine, and all preparations or admixtures containing 0.1 per cent. of Ecgonine.

Emetic Tartar, and all preparations or admixtures containing 1 or more per cent of emetic tartar.

Ergot of Rye, and preparations of ergots.

Lead in combination with Oleic Acid, or other higher fatty acids, whether sold as Diachylon or under any other designation (except machine-spread plasters).

Nux Vomica, and all preparations and admixtures containing 0.2 or more per cent of strychnine.

Opium, and all preparations or admixtures containing 0.2 or more per cent of morphine.

Picrotoxin

Prussic Acid, and all preparations or admixtures containing 0.1 or more per cent of prussic acid.

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

Sulphonal, and its homologues, whether described as Trional, Tetronal or by any other trade mark or designation.

Strophanthin, and all other poisonous constituents of Strophanthus.

Tobacco, any preparations or admixtures containing the poisonous alkaloids of tobacco other than—

- (a) Tobacco prepared for smoking and snuff; and
- (b) Preparations or admixtures of tobacco for use in agriculture or horticulture for the destruction of insects, fungi, and bacteria, if the preparations are—
 - (i) contained in a closed package or vessel distinctly labelled with a notice of the special purpose for which the preparation is intended;
 - (ii) sold upon an order in writing given by or on behalf of a person, firm or body corporate known to the vendor; and
 - (iii) purchased for the purpose of the trade or profession of such person, firm or body corporate.

PART II

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

Antimonial wine.

Atebrin.

Barium, salts of, except Barium Sulphate.

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

Carbolic acid, and liquid preparations of carbolic acid, and its homologues containing more than 3 per cent of those substances, except preparations for use as sheep wash or for any other purpose in connection with agriculture or horticulture, contained in a closed vessel distinctly labelled with the word "Poisonous", the name and address of the seller, and a notice of the special purposes for which the preparations are intended.

Chloral hydrate.

Chloroform, and all preparations or admixtures containing more than 20 per cent of chloroform.

Digitalis.

Mercuric Iodine.

Mercuric Sulphocyanide.

Nitrobenzine, and its derivatives.

Oxalic Acid.

Plasmoquin (or Plasmochin).

Poppies, all preparations of, excepting red poppy petals and syrup of red poppies (*papaver rhæas*).

Precipitate, red, and all oxides of mercury.

Precipitate, white.

Strophanthus.

Zinc Chloride, and liquid preparations of zinc chloride, except preparations intended to be used for soldering or other purely industrial purpose, provided that they are contained in closed vessels labelled with the word "Poisonous", and bearing the name and address of the seller and a notice of the special purpose for which the preparations are intended.

FIFTH SCHEDULE(Section 63)*

Date.	Name and address of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature.	
				of purchaser.	of person introducing purchaser.

SIXTH SCHEDULE*(Section 70)***POISONS (RESTRICTION) REGULATIONS****Short title.**

1. These Regulations may be cited as the Poisons (Restriction) Regulations.

Additional Restriction of Sale etc., of certain Poisons.

2. (1) It shall not be lawful to sell, dispense or deliver any of the drugs, their salts or derivatives, specified in the Schedule to these Regulations, except on and in accordance with a prescription given by a duly qualified medical practitioner, registered dentist or registered veterinary surgeon in the form provided by this regulation.

(2) For purposes of this regulation, a prescription shall—

- (a) be in writing and be signed by the person giving it with his or her usual signature and be dated by him or her;
- (b) specify the name and address of the person for whose treatment it is given or, if the prescription is given by a veterinary surgeon, of the person to whom the medicine is to be delivered;
- (c) have written thereon, if given by a dentist, the words “For dental treatment only” or, if given by a veterinary surgeon, the words “For animal treatment only”;
- (d) indicate the total amount of drugs to be supplied and the dose to be taken.

* Note: Schedule of fees was deleted by Act 2 of 1977.

(3) The person dispensing the prescription shall comply with the following requirements—

- (a) the prescription shall not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once;
- (b) if the prescription contains a direction that it may be dispensed a stated number of times, or at stated intervals, it must not be dispensed otherwise than in accordance with the directions;
- (c) at the time of dispensing there must be noted on the prescription above the signature of the prescriber, the name and address of the seller and the date on which the prescription is dispensed;
- (d) the prescription must, for a period of two years, be retained and kept on the premises on which it was dispensed in such manner as to be readily available for inspection.

SCHEDULE TO THE REGULATIONS

(Regulation 2.)

Amphetamines (beta-aminopropylbenzene and beta-aminoisopropylbenzene).
