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GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 16 OKTOBER 1974

DEPARTMENT OF THE PRIME MINISTER

No. 1871.

16 October 1974.

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

No. 53 of 1974: Pharmacy Act, 1974.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1871.

16 Oktober 1974.

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

No. 53 van 1974: Wet op Aptekers, 1974.

PHARMACY ACT, 1974.

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ACT

To consolidate and amend the laws providing for the establishment of the South African Pharmacy Board and for the training and registration of pharmacists, trainee pharmacists, pharmacy students, unqualified assistants and pharmaceutical technicians; to provide for the control of the practice of the pharmaceutical profession; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 9 October 1974.)*

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

1. In this Act, unless the context otherwise indicates—
 - (i) "board" means the board referred to in section 2; (xii)
 - (ii) "medicine" means medicine as defined in section 1 of the Medicines and Related Substances Control Act, 1965; (viii)
 - (iii) "member" means a member of the board; (vii)
 - (iv) "Minister" means the Minister of Health; (ix)
 - (v) "pharmaceutical technician" means a person registered as such under this Act; (iii)
 - (vi) "pharmacist" means a person registered as such under this Act; (ii)
 - (vii) "pharmacy" means any place wherein is performed any act specially pertaining to the profession of a pharmacist; (i)
 - (viii) "prescribe" or "prescribed" means prescribe or prescribed by regulation; (xvii)
 - (ix) "president" or "vice-president" means the president or vice-president of the board and includes a person lawfully acting as president or vice-president of the board, as the case may be, and for the purposes of section 40 (1), a member acting as chairman at an inquiry referred to in section 39; (xi)
 - (x) "register", when used as a noun, means a register kept in accordance with the provisions of this Act, and when used in relation to any class or a member of any class of persons in respect of which a register is kept, means the register kept for that class and when used as a verb, means to enter in such register; the words "registered", "registrable", "registration" and all other words formed with or derived from the word "register" having a corresponding meaning; (xiii)
 - (xi) "registrar" means the registrar of the board appointed under section 11 of this Act or a person lawfully acting in that capacity; (xiv)
 - (xii) "regulation" means any regulation made under this Act; (xv)
 - (xiii) "Republic" includes the territory of South West Africa; (xvi)

Definitions.

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- (xiv) "scheduled substance" means any medicine or substance listed in the schedules to the Medicines and Related Substances Control Act, 1965; (iv)
- (xv) "this Act" includes any proclamation, regulation, rule or order made under this Act; (v)
- (xvi) "trainee pharmacist" means a person registered as such under this Act and who is undergoing practical training as contemplated in section 20; (vi)
- (xvii) "unqualified assistant" means a person registered as such under this Act. (x)

CHAPTER 1

CONTINUED EXISTENCE AND OBJECTS, POWERS AND FUNCTIONS OF THE SOUTH AFRICAN PHARMACY BOARD

2. (1) The South African Pharmacy Board established by section 2 of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), shall, notwithstanding the provisions of section 52 (1) of this Act, continue to exist and to be a corporate body. Continued existence of South African Pharmacy Board.

(2) The head office of the board shall be situated in Pretoria.

3. The objects of the board shall be—

- (a) to assist in the promotion of the health of the population of the Republic;
- (b) to control and promote, and to establish and maintain adequate standards in respect of, pharmaceutical education in the Republic;
- (c) to control the practice of the pharmacy profession and to investigate in accordance with the provisions of this Act complaints relating to the affairs of pharmacists; and
- (d) to advise the Minister on any matter relating to pharmacy.

Objects of the board.

4. The functions of the board shall be to endeavour to achieve the objects for which it was established, and for the purpose of achieving those objects the board shall, subject to the provisions of this Act, have power, in addition to any other powers vested in it by this Act— Functions and powers of the board.

- (a) to cause copies of the registers or of supplementary lists showing amendments of the registers, to be printed and published;
- (b) to issue extracts from the registers and to charge such fees in respect thereof as may be prescribed;
- (c) to require any registered person to pay to the board the prescribed annual fee;
- (d) in such circumstances as may be prescribed, or where otherwise authorized by this Act, to remove any name from the registers or, upon payment of the prescribed fee, to restore it thereto;
- (e) to appoint examiners and moderators, conduct examinations and grant certificates, and to charge such fees in respect of such examinations or certificates as may be prescribed;
- (f) to approve, on such conditions as it may deem fit, the training of pharmacists;
- (g) to acquire, hire or dispose of property, borrow money on the security of the assets of the board or accept and administer any trust or donation;
- (h) to appoint such officers as may be necessary and to regulate their duties: Provided that any officer appointed shall be proficient in both official languages;
- (i) subject to the provisions of this Act, to register a person as a pharmacist, to inspect the records and accounts of or investigate the activities at a pharmacy carried on by a person so registered, or to require any person so registered to submit to the board such information as the board may deem necessary;

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- (j) in such circumstances as may be prescribed, to suspend or cancel any registration entitling a person to carry on the profession of a pharmacist;
 - (k) to consider any matter affecting the pharmacy profession, and to make representations or take such action in connection therewith as the board deems advisable;
 - (l) on the application of any person, to recognize any qualifications held by him (whether such qualifications have been obtained in the Republic or elsewhere) as being equal, either wholly or in part, to any prescribed qualifications, whereupon such person shall, to the extent to which the qualifications have so been recognized, be deemed to hold such prescribed qualifications;
 - (m) to perform such other functions as may be prescribed, and
- generally, to do all such things as the board deems necessary or expedient to achieve the objects of this Act.

5. (1) After 1 January 1979 the board shall consist of the following members, namely— Constitution of board.

- (a) five persons appointed by the Minister, of whom—
 - (i) two shall be pharmacists, one of whom shall be a member of the staff of a university, and the other shall be a member of the staff of a college for advanced technical education, at which provision is made for the training of pharmacists, both of whom shall be appointed after consultation with the board;
 - (ii) one shall be a pharmacist who is an officer in the service of a provincial administration; and
 - (iii) one shall be an officer of the Department of Health;
- (b) six pharmacists who are South African citizens, resident in the Republic and elected by pharmacists in accordance with the provisions of this Act; and
- (c) one medical practitioner registered in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974, and appointed from amongst its members by the South African Medical and Dental Council referred to in that Act.

(2) Whenever the persons entitled in terms of subsection (1) (b) to elect any member of the board fail to elect, before the expiry of the period contemplated in the regulations for the signing and transmission or delivery of voting papers, any person to fill any vacancy in respect of the office of such a member, the Minister, after consultation with the executive committee of the board, may appoint any person qualified to be so elected to fill such vacancy, whereupon the person so appointed shall be deemed to have been duly elected.

(3) A member of the board shall hold office for five years, but shall be eligible for reappointment or re-election, as the case may be: Provided that, for the period from the date of commencement of this Act until 1 January 1979—

- (a) the members of the board appointed by the Minister in terms of section 2 (3) (a) and (7) of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), excluding the medical practitioner appointed in terms of section 2 (3) (a) of that Act, shall hold office and shall be deemed to have been appointed as members of the board in terms of subsection (1) (a) of this section;
- (b) the Minister shall appoint an officer of the Department of Health in terms of subsection (1) (a) (iii) of this section in the place of the medical practitioner referred to in paragraph (a) as a member of the board;

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- (c) the members of the board, elected in terms of section 2 (4) of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), shall hold office and shall be deemed to have been elected as members of the board in terms of subsection (1) (b) of this section; and
- (d) the South African Medical and Dental Council referred to in subsection (1) (c) of this section shall appoint a medical practitioner as a member of the board.

(4) If anything required to be done under this Act in connection with the appointment or election of any member, is omitted or not done within the time or in the manner required by this Act, the Minister may order all such steps to be taken as may be necessary to rectify the omission or error or may validate anything done in an irregular manner or form, in order to give effect to the objects of this Act.

6. (1) The procedure to be followed at the election of the six members referred to in section 5 (1) (b), shall be prescribed by regulation: Provided that—

Procedure at appointment and election of members.

- (a) not more than two pharmacists so elected shall be ordinarily resident in the same province of the Republic at the conclusion of the election, and
- (b) each province of the Republic shall be represented on the board at the conclusion of the election by at least one elected pharmacist.

(2) The registrar shall—

- (a) on such date prior to the election referred to in subsection (1) as he may deem expedient, request the South African Medical and Dental Council referred to in section 5 (1) (c) to appoint a member in terms of the provisions of that section, whereupon the said Council shall appoint such member and inform the registrar of the name of the member so appointed;
- (b) immediately after the election referred to in subsection (1), inform the Minister of the names of the members elected, whereupon the Minister shall appoint the members referred to in section 5 (1) (a) and inform the registrar of the names of the members so appointed.

(3) The registrar shall give notice in the *Gazette* of the appointment or election of any member of the board, the date of such appointment or election and the period for which such member has been appointed or elected.

(4) Any person who makes or causes to be made a false declaration on any identification envelope issued in connection with an election contemplated in section 5 (1) (b), shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand.

7. (1) A member of the board shall vacate his office if—

Vacation of office and the filling of vacancies.

- (a) his estate is sequestrated;
- (b) he is or becomes disqualified under this Act from practising his profession;
- (c) he becomes a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
- (d) he is convicted of an offence in respect whereof he is sentenced to imprisonment without the option of a fine;
- (e) he ceases to be a South African citizen;
- (f) he has been absent from more than two consecutive ordinary meetings of the board without the board's leave;

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- (g) being an elected member, he tenders his resignation in writing to the registrar or if, being a member appointed by the Minister, he ceases to hold any qualification necessary for his appointment or tenders his resignation in writing to the Minister and the Minister accepts his resignation or if, being a member appointed by the South African Medical and Dental Council referred to in section 5 (1) (c), he tenders his resignation in writing to that council; or
- (h) the State President, in the public interest, terminates his membership.

(2) Every vacancy on the board arising from a circumstance referred to in subsection (1) and every vacancy caused by the death of a member shall be filled by appointment or election according as the vacating member was appointed or elected, and every member so appointed or elected shall hold office for the unexpired portion of the period for which the vacating member was appointed or elected.

8. (1) At the first meeting of every newly constituted board the members of the board shall elect a president, a vice-president and a treasurer from among themselves. President, vice-president and treasurer.

(2) The president, vice-president and treasurer shall hold office during the term of office of the members of the board unless the president, vice-president or treasurer shall sooner resign or cease to be a member of the board.

(3) The vice-president may, if the president is absent or for any reason unable to act as president, perform all the functions and exercise all the powers of the president.

(4) If both the president and vice-president are absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so presiding may, during that meeting and until the president or the vice-president resumes duty, perform all the functions and exercise all the powers of the president.

(5) If both the president and the vice-president have been given leave of absence, the members of the board shall elect one of their number to act as president until the president or the vice-president resumes duty or vacates office.

(6) If the office of president, vice-president or treasurer becomes vacant, the members of the board shall, at the first meeting after such vacancy occurs or as soon thereafter as may be convenient, elect from among themselves a new president, vice-president or treasurer, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his predecessor was elected.

(7) A president or a vice-president or a treasurer may vacate office as such without such vacation by itself terminating his membership of the board.

9. (1) The board shall hold at least two meetings in each year at venues to be determined by the board, and may in addition hold such further meetings as the board may from time to time determine. Meetings of the board.

(2) The president may at any time convene a special meeting of the board, to be held on such date and at such place as he may determine, and he shall, upon a written request by the Minister or a written request signed by at least four members, convene a special meeting, to be held within thirty days after the date of receipt of the request, on such date and at such place as he may determine: Provided that such written request shall state clearly the purpose for which the meeting is to be convened.

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(3) Four members of the board shall form a quorum at any meeting of the board.

(4) A decision of the majority of the members of the board present at any meeting shall constitute a decision of the board and, in the event of an equality of votes, the member presiding at the meeting shall have a casting vote in addition to his deliberative vote.

10. The board may appoint from among its members an executive and such other committees as it may deem necessary and it may delegate to any such committee such of its powers as it may from time to time determine, but shall not be divested of any power so delegated: Provided that—

- (a) no penalty imposed by such a committee (other than a caution or a reprimand or a reprimand and a caution) shall be of force and effect until the board has confirmed its imposition;
- (b) an order made by such a committee in terms of section 38 (2) shall come into operation forthwith if the committee so directs in the public interest but shall lapse after the expiration of a period of six months as from the date of the order if not confirmed by the board within that period.

11. (1) The board shall appoint a registrar and it may appoint such other officers as it may deem necessary for carrying out its functions under this Act and may dismiss any of such other officers.

(2) The registrar shall act as secretary to the board and he shall perform the functions and carry out the duties assigned to or imposed upon him by this Act as well as such functions and duties as may from time to time be assigned to or imposed upon him by the board.

(3) The appointment or the dismissal of the registrar shall be subject to the approval of the Minister.

12. (1) All registration fees, examination fees and any other fees payable under this Act shall be paid to the board and shall constitute its funds and the board shall utilize its funds for defraying expenses incurred in connection with the performance of its functions.

(2) The president, vice-president and the other members of the board and members of committees of the board, excluding such members who are in the full-time service of the State, shall be paid out of the funds of the board such remuneration and allowances in respect of their services as the Minister, on the recommendation of the board, may determine.

CHAPTER II

REGISTRATION OF PHARMACISTS AND BODIES CORPORATE
CARRYING ON BUSINESS AS A PHARMACIST AND
MAINTENANCE OF REGISTERS

13. (1) No person shall be entitled to practise as a pharmacist within the Republic unless he holds a registration certificate issued to him in terms of this section.

(2) Every person desiring to be registered as a pharmacist shall apply to the board and shall, unless he holds the board's diploma in pharmacy, submit the degree, diploma or certificate on which he relies as a qualification for registration, together with such proof of identity and good character and of the authenticity and validity of the degree, diploma or certificate submitted as may be required by the board.

(3) If the registrar is satisfied that the degree, diploma or certificate and the other documents submitted in support of the application satisfy the requirements of this Act and that, in the case of a person who obtained his qualifications outside the

Executive and other committees.

Appointment of registrar and other officers.

Finances of board and remuneration and allowances of members.

Registration a prerequisite to practise.

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Republic, the applicant is domiciled in the Republic he shall, upon payment by the applicant of the prescribed registration fee and annual fee, issue a registration certificate authorizing the applicant, subject to the provisions of this Act or of any other law, to practise the profession of a pharmacist.

(4) If the registrar is not satisfied that the degree, diploma or certificate and the other documents submitted in support of the application satisfy the requirements of this Act, he shall refuse to issue a registration certificate to the applicant but shall, if so required by the applicant, submit the application to the board for decision.

14. (1) The registrar shall maintain the following registers correctly and in accordance with the provisions of this Act and remove therefrom the names of all registered persons who have died, or whose period of registration has expired in terms of regulations made under section 17, and from time to time make the necessary alterations in the addresses or qualifications of registered persons—

Keeping of registers.

- (a) a register of pharmacists, in which shall be entered the name, address, qualifications and date of initial registration or of re-registration of every person entitled in terms of this Act to be registered as a pharmacist;
- (b) a register of trainee pharmacists, in which shall be entered the name, address and qualifications of every person who has entered into a contract of training referred to in section 20 (1);
- (c) a register of pharmacy students, in which shall be entered the name of every person enrolled at a university or at a pharmacy school or other institution approved by the board and who has complied with the requirements prescribed for registration as a pharmacy student, as well as his registration number, date of registration and the name of the university, pharmacy school or other institution at which he is enrolled;
- (d) a register of unqualified assistants, in which shall be entered the name, address, registration number and date of registration of every person entitled in terms of this Act to be registered as an unqualified assistant;
- (e) a register of bodies corporate in which shall be entered the name, address, registration number and date of registration of every body corporate carrying on business as a pharmacist in terms of this Act, as well as the name of the managing director referred to in section 22 (1) (a);
- (f) a register of pharmacies, in which shall be entered the name and address of every pharmacy in the Republic and the name of the owner, manager or person in charge of such pharmacy; and
- (g) such other registers as may be prescribed.

(2) Every registered person who changes his address shall in writing notify the registrar thereof within thirty days after such change.

(3) The Secretary for the Interior shall on receipt of the death register of a person showing that such person practised as a pharmacist immediately prior to his death, forthwith notify the registrar of such death.

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(4) No degree, diploma or certificate shall be entered in the register unless the registrar is satisfied that the person claiming to possess such degree, diploma or certificate is entitled thereto, or if the board is not so satisfied; and any entry which is proved to the satisfaction of the board to have been made in error or through misrepresentation or in circumstances not authorized by this Act, may be removed from the register and a record of the reason for every such removal shall be made in the register, and the person in respect of whose entry such removal has been made shall be notified thereof in the manner contemplated in section 23 (2) and any certificate issued in respect of the registration in question shall be deemed to be cancelled as from the date on which notice has so been given.

15. The Minister may from time to time, on the recommendation of the board, prescribe the several degrees, diplomas and certificates granted after examinations by a university, or other examining authority, in the Republic, which, when held singly or conjointly with any other degree, diploma or certificate, entitle the holders thereof, either unconditionally or subject to such conditions as the Minister may on the recommendation of the board prescribe, to registration as pharmacists under this Act.

Qualifications for registration.

16. The Minister may from time to time, on the recommendation of the board, prescribe the several degrees, diplomas and certificates granted after examinations by a university, or other examining authority, outside the Republic, which, when held singly or conjointly with any other degree, diploma or certificate, entitle the holders thereof to registration under this Act as pharmacists if they have, before or in connection with or after the acquisition of those degrees, diplomas or certificates, complied with such conditions or requirements as may be so prescribed: Provided that—

Recognition of qualifications obtained outside the Republic, for the purposes of registration as a pharmacist.

- (a) such degree, diploma or certificate entitles the holder thereof to practise as a pharmacist in the country or state in which such university or other examining authority is situate;
- (b) the board shall be satisfied that the standard of professional education required to obtain such degree, diploma or certificate is not lower than that prescribed in respect of the education of pharmacists within the Republic; and
- (c) on the recommendation of the board it may be provided, in relation to any such degree, diploma or certificate, that registration under this Act shall be limited to a particular category of holders of such degree, diploma or certificate or to a specified number of holders in that category and that the particular holders to be registered shall be selected in accordance with a specified procedure.

17. The Minister may from time to time, on the recommendation of the board, prescribe the several degrees, diplomas and certificates granted after examinations by a university, or other examining authority, outside the Republic, other than such degrees, diplomas and certificates as may be prescribed under section 16, which, when held singly or conjointly with any other degree, diploma or certificate, entitle the holders thereof to registration under this Act as pharmacists if they have, before or in connection with or after the acquisition of those degrees, diplomas or certificates, complied with such conditions or requirements as may be so prescribed, and thereupon the board may in its discretion, but subject to any regulations which the Minister may make, cause such holders to be registered as pharmacists: Provided that any person registered as a pharmacist in terms of this section shall only be entitled to practise as such—

Recognition of qualifications obtained outside the Republic for purposes of limited registration as a pharmacist.

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- (a) for an initial period not exceeding five years and thereafter for such period or periods as the board may determine;
- (b) in such area or areas as the board may determine; and
- (c) subject to such restrictions in respect of his professional activities as the board may determine.

18. Any South African citizen who was domiciled in the Republic when he commenced his pharmaceutical studies and who completed those studies at an institution outside the Republic, may, subject to the provisions of section 19, be registered as a pharmacist without further examination if he holds a degree, diploma or certificate referred to in section 16 or 17 or any other qualifications which the Minister, on the recommendation of the board, may prescribe from time to time.

Recognition of qualifications obtained outside the Republic by a South African citizen for the purposes of registration as a pharmacist.

19. Notwithstanding anything to the contrary in this Act contained, no person who has obtained his professional qualifications outside the Republic shall be registered as a pharmacist unless he has passed to the satisfaction of the board a test, set by examiners appointed by the board, establishing his knowledge of the laws of the Republic relating to pharmaceutical practice and the practice of the pharmaceutical profession.

Holders of qualifications obtained outside the Republic to be registered as pharmacists only after having passed a certain test.

20. (1) Notwithstanding anything to the contrary contained in this Act no person who has obtained a degree, diploma or certificate referred to in section 15 shall be registered as a pharmacist under this Act unless he has, to the satisfaction of the board and subject to the regulations, for a period of not less than one year or periods of not less than one year in the aggregate—

Practical training a prerequisite for registration as a pharmacist.

- (a) undergone the prescribed practical training with a pharmacist in the Republic in a pharmacy approved by the board and by virtue of a contract of training lodged with the registrar and approved by the board prior to the commencement of such training; or
- (b) undergone practical training with a pharmacist in a prescribed country.

(2) A trainee pharmacist shall for the purposes of this Act be deemed to be a pharmacist during the twelfth month of the period or periods of practical training referred to in subsection (1).

21. Any person who has either obtained credit for the first and second year of study for a degree or diploma in pharmacy at an institution approved by the board and who is registered as a pharmacy student, or who has served as an indentured apprentice to a pharmacist within the Republic in terms of the provisions of section 27 of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), for such period as the board may determine, may, on payment of the prescribed fee, be registered as an unqualified assistant.

Registration of unqualified assistants.

22. (1) Notwithstanding anything to the contrary contained in this Act, a body corporate may carry on business in the Republic as a pharmacist on the following conditions, but not otherwise—

Body corporate carrying on business as pharmacist.

- (a) the body corporate shall have as the managing director of its business in the Republic a pharmacist who resides in the Republic and who is not, save as provided in subsection (4), engaged in the business of a pharmacist which does not belong to the said body corporate either alone or in partnership with another person;
- (b) the board may cancel any registration referred to in section 14 (1) (e) and any certificate issued in respect thereof—
 - (i) if the managing director referred to in paragraph (a), ceases to comply with the requirements set out

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in that paragraph or ceases to be or to act as managing director of the pharmacy business of the body corporate in the Republic;

- (ii) if after an inquiry held under section 39 the board finds that any director of the body corporate has contravened any provision of this Act;
- (iii) if the body corporate in terms of paragraph (c) ceases to be entitled to carry on business as a pharmacist; or
- (iv) if after the commencement of this Act the body corporate disposes of the whole or any part of its interest in the retail pharmacy business in respect of which it is registered under section 14 (1) (e) to any person other than a pharmacist or if after such commencement any person other than a pharmacist acquires any shareholding in the body corporate carrying on business as a retail pharmacist;

(c) a body corporate shall not carry on business as a pharmacist unless it holds a valid certificate, referred to in paragraph (b), of its registration and the registration of its managing director, and unless the person registered as managing director in fact manages the business of the body corporate and complies with the requirements set out in paragraph (a) in respect of such managing director: Provided that if—

- (i) the said person ceases to be or to act as the managing director or ceases as a fact to manage the business of the body corporate or is from any cause unable to act as such, or ceases to comply with the requirements set out in paragraph (a), or if the said certificate is cancelled, the body corporate may nevertheless carry on the business of a pharmacist during a period of thirty days as from such cessation or, as the case may be, from the commencement of such inability, or as from the notification to the body corporate of such cancellation;
- (ii) any other director ceases to hold office, or a new director is appointed, the body corporate shall notify the registrar within thirty days, as from such cessation or appointment, of the name of the director who has ceased to hold office or of the name and address of the new director appointed to the body corporate;

(d) every pharmacy in which such body corporate carries on business shall be conducted under the continuous personal supervision of a pharmacist whose name shall be displayed conspicuously over the main entrance of such pharmacy;

(e) the body corporate, if it carries on business as a retail pharmacist, shall have been carrying on business as such immediately prior to the commencement of this Act.

(2) The managing director referred to in subsection (1) (a) shall be responsible to the board for any act done by or on behalf of the body corporate in question which may involve disciplinary action by the board, unless he satisfies the board that the responsibility for such act rests upon a pharmacist other than himself employed by the body corporate.

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(3) A contravention of or failure to comply with any provision of this section, or a refusal or failure to answer any enquiry made by or on behalf of the board as to the name of the managing director or any other director of, or of any other person employed by, a body corporate referred to in this section, shall be an offence and a person shall on conviction thereof be liable to a fine not exceeding five hundred rand.

(4) The managing director of a body corporate which is entitled to carry on the business of a pharmacist in terms of this section may be a director (other than a managing director) of any other such body corporate: Provided that he shall not in respect of the body corporate of which he is not a managing director perform any act referred to in section 29 (2) or any other act of a similar nature specially pertaining to the profession of a pharmacist.

(5) A body corporate desiring to be registered as a body corporate entitled to carry on business as a pharmacist shall in the prescribed manner, specifying the prescribed particulars, apply to the board for such registration.

23. (1) The board may direct the registrar to remove from the register the name of any person—

Removal of name from, and restoration to register.

- (a) who has been absent from the Republic during the three years preceding such removal;
- (b) who has failed to notify the registrar, within a period of three months as from the date of an enquiry sent by the registrar by registered letter to the address appearing in the register in respect of such person, of his present address;
- (c) who has requested that his name be removed from the register, in which case such person may be required to lodge with the registrar an affidavit to the effect that no disciplinary or criminal proceedings are being or are likely to be taken against him;
- (d) who has failed to pay to the board, within three months as from the date on which it became due for payment, any prescribed annual fee;
- (e) who has failed to furnish the registrar, within a period to be determined by the board, with such information as the registrar may require in terms of regulations made under this Act; or
- (f) whose name has been removed from the register, record or roll of any university, college, society or other body from which that person received the qualification by virtue of the holding whereof he was registered.

(2) Notice of the removal, in terms of subsection (1), of his name from the register, or of the removal, in terms of section 14 (4), of an entry from the register, shall be given by the registrar to the person concerned by way of a registered letter addressed to such person at the address appearing in respect of him in the register and such person shall, as from the date on which notice has so been given, cease to practise as a pharmacist or to perform any act which he, in his capacity as a registered person, was entitled to perform, and any registration certificate issued to him shall be deemed to be cancelled, until such time as his name or the entry removed from the register in terms of section 14 (4), as the case may be, is restored to the register.

(3) The name of a person whose name has in terms of this section been removed from the register, or an entry removed from the register in terms of section 14 (4), shall be restored to the register by the registrar upon the person concerned—

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- (a) applying on the prescribed form for such restoration;
- (b) paying the fee prescribed in respect of such restoration (if any); and
- (c) complying with such other requirements as the board may determine.

24. (1) Any person aggrieved by the board's decision—
- (a) to refuse to register him or to enter in the appropriate register any degree, diploma, certificate or additional qualification which he desires, and maintains to be entitled, to have so entered in terms of the provisions of this Act; or
 - (b) to remove from the register his name or any degree, diploma, certificate or additional qualification which he maintains to be entitled to have entered in the register in terms of the provisions of this Act,

Appeal against refusal to register or against removal of name from register.

may, after notice to the board and within a period of two months after the date of such decision, appeal against such decision to the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area in which the appellant normally resides.

(2) The court may dismiss such appeal or, if it is of the opinion that the board has not acted in accordance with the provisions of this Act, may make an order reversing or modifying the board's decision or it may remit the matter to the board for further consideration or make such other order, including an order as to costs, as it may deem appropriate.

25. The registrar shall, at intervals to be determined by the board and according to the instructions and under the authority of the board, cause copies of the registers, or of supplementary lists showing all alterations, additions, revisions and deletions made since the last publication of the complete registers, to be printed and published.

Publication of registers.

26. A copy of the last published issue of a register or any supplementary list purporting to be printed and published under the authority of the board shall be *prima facie* proof, in all legal proceedings, of the facts therein recorded, and the absence of the name of any person from such copy shall be proof, until the contrary is proved, that such person is not registered according to the provisions of this Act: Provided that in the case of any person whose name—

Register as proof.

- (a) does not appear in such copy, or whose name has been added to the register after the date of the last published issue thereof, a certified copy under the hand of the registrar of the entry of the name of such person in the register, shall be proof that such person is registered under the provisions of this Act;
- (b) has been removed from the register since the date of the last published issue thereof and has not been restored thereto, a certificate under the hand of the registrar that the name of such person has been removed from the register shall be proof that such person is not registered according to the provisions of this Act.

27. (1) If the registrar is satisfied—

- (a) on proof submitted by the registered person concerned, that a registration certificate has been destroyed; or
- (b) by virtue of an affidavit submitted by the registered person concerned, that a registration certificate has been lost,

Issue of duplicate registration certificate, extract from register or certificate by registrar.

he may issue a duplicate registration certificate to that person upon payment of the prescribed fee.

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(2) The registrar may issue a certified extract from the register or a certificate under his hand as provided in section 26 to any person upon payment of the prescribed fee.

28. (1) The Minister may from time to time, on the recommendation of the board, prescribe the degrees, diplomas or certificates which may be registered as additional qualifications and only qualifications so prescribed shall be registerable under this section.

Registration and use of additional qualifications.

(2) Every person who desires to have a degree, diploma or certificate registered, other than the degree, diploma or certificate by virtue of which he has in the first instance been registered, shall apply to the registrar, submitting such documentary proof that he holds the additional qualification in question as the board may require, and if the registrar is satisfied that such additional qualification is a degree, diploma or certificate prescribed in terms of subsection (1), he shall cause such degree, diploma or certificate to be entered in the register upon payment of the prescribed fee.

(3) No registered person shall take, use or publish in any way whatsoever any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses any professional qualification which is not shown in the register against his name.

(4) The registrar may, on the instructions of the board, remove from the register any degree, diploma or certificate registered as an additional qualification in terms of this section, if in respect of such qualification the name of the holder thereof has been removed from the roll, register or record of the university, college, society or other body from which that person received such qualification.

29. (1) Subject to the provisions of subsection (3), any person who, not being registered as a pharmacist—

Penalties for professing to be or practising as pharmacist while unregistered.

(a) for gain practises as a pharmacist, or carries on business as a pharmacist or for gain performs any act specially pertaining to the profession of a pharmacist; or

(b) pretends, or by any means whatsoever holds himself out, to be a pharmacist (whether or not he purports to be registered), or uses the name of pharmacist or any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses a degree or diploma or other pharmaceutical qualification or that he is registered under this Act, or in describing his business activities or premises uses the term 'pharmacy' or 'chemist's shop' or 'drug store' or any other term of like meaning,

shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) The following acts shall, for the purposes of subsection (1), be deemed to be acts specially pertaining to the profession of a pharmacist—

(a) the manipulation, preparation or compounding of any medicine or medicinal or chemical substance (whether it does or does not contain a poison) for sale or supply as a medicine;

(b) the compounding or sale or supply—
(i) of any medicine on the prescription of a medical practitioner or dentist; or
(ii) of any chemical substance on the prescription of a veterinarian;

(c) the manufacture or the supervision of the manufacture of any medicine.

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(3) The provisions of subsections (1) and (2) shall not prohibit—

- (a) the keeping of medicines or the supply of medicines to his own patients by any medical practitioner, dentist or veterinary surgeon;
- (b) the employment under the supervision of a pharmacist—
 - (i) of a trainee pharmacist in the pharmacy in which he is undergoing his practical training;
 - (ii) of an unqualified assistant;
- (c) the manufacture or packing for human use of any medicine or medicinal or chemical substance by a person referred to in subsection (4), by virtue of a permit granted in terms of that subsection;
- (d) the handling of medicines or the supply of medicines to members of the armed forces, under the supervision of a medical practitioner or pharmacist, by members of the medical service of the armed forces provided such members of the said medical service have undergone training therein;
- (e) the keeping of medicines and its supply to patients in hospitals or other institutions for the treatment of sick persons, under the direction of a medical practitioner and in accordance with the provisions of the Medicines and Related Substances Control Act, 1965, by any person registered or enrolled under the Nursing Act, 1957 (Act No. 69 of 1957);
- (f) the keeping of medicines and its supply by any person or organization performing a health service and authorized in writing by the Secretary for Health acting after consultation with the board, to acquire medicines for the performance of such service.

(4) The Minister may, after consultation with the board, grant a permit to a person not registered under this Act, authorizing such person to manufacture or pack, for human use, any medicine or medicinal or chemical substance specified in the permit, subject to such conditions as may be set out in the permit.

30. Any person who—

- (a) procures or attempts to procure for himself or any other person registration under this Act or any certificate, licence, permit, order or prescription referred to in this Act by means of a false representation, whether verbally or in writing, or aids or abets any person in so doing; or
- (b) makes or causes to be made any unauthorized entry or alteration in or removal from a register or a certified copy thereof or extract therefrom or on any certificate issued under this Act; or
- (c) wilfully destroys or damages or renders illegible or causes to be destroyed, damaged or rendered illegible any entry in a register or, without the permission of the holder thereof, any certificate issued under this Act; or
- (d) forges or, knowing it to be forged, utters any document purporting to be a certificate issued under this Act; or
- (e) impersonates any person registered under this Act, shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand.

Penalty for false representation inducing registration, for false entry in register and for impersonation.

31. (1) In any criminal proceedings against any person appearing upon a charge of having performed any act which constitutes an offence under this Act if performed by a person who is not registered or who is not in possession of any document specified in the charge, the accused shall be deemed to

Onus of proof.

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have been unregistered or not to have been in possession of such document at the time of the commission of the alleged offence, unless he proves the contrary.

(2) In any criminal proceedings against any person appearing upon a charge of having performed an act which constitutes an offence under this Act if performed by him for gain, the accused shall be deemed to have performed such act for gain if he has accepted any valuable consideration in respect of such act.

32. (1) No remuneration shall be recoverable in respect of any act specially pertaining to the profession of a pharmacist, when performed by a person who is not authorized under this Act to perform such act for gain.

Limitations in respect of unregistered persons and proof required for the issue of licences.

(2) Subject to the provisions of section 29 (3), no person other than a registered person holding the necessary qualifications shall be eligible for or entitled to hold any appointment to any establishment, institution, body, organization or association, whether public or private, if such appointment involves the performance of any act which an unregistered person may not perform for gain.

(3) No licence required to be obtained by a pharmacist shall be issued by the authority empowered by law to issue such licence unless the person applying for such licence submits a registration certificate or certified extract from the register, referred to in section 27 (2), as proof that he is registered as a pharmacist.

CHAPTER III

CONTROL OF PHARMACEUTICAL EDUCATION

33. (1) No person or educational institution may offer a course of training in pharmacy unless such training has been approved by the board.

Board may control pharmaceutical education and conduct examinations.

(2) The board may award a diploma in pharmacy which shall entitle the holder thereof to registration as a pharmacist in terms of the provisions of this Act, to any person who has passed examinations to the satisfaction of the board before examiners appointed by it and who has complied with such further requirements as may be prescribed.

(3) The board may appoint a person to attend at the examinations in pharmacy conducted by any university, or other institution, the degrees, diplomas or certificates of which are prescribed in terms of section 15, and to report to the board upon such examinations.

(4) Every university, or other institution, the degrees, diplomas or certificates of which are prescribed in terms of section 15, shall furnish the board at its request with such information relating to student enrolment, curricula and syllabi, examinations, entrance requirements and any related matter, as the board may from time to time require.

(5) If any university or other institution referred to in subsection (4) fails or refuses to furnish any information requested by the board under that subsection, or if it appears to the board that any provision of this Act is not being properly complied with by any such university or institution and that such improper compliance is having or may have an adverse effect on the standard of pharmaceutical education maintained at that university or institution, the State President may, on the recommendation of the board, by proclamation in the *Gazette* declare that any specified degree, diploma or certificate granted by such university or institution after a date specified in the proclamation, shall not entitle any holder thereof to registration under this Act.

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(6) The State President may, when it has been made to appear to him upon representations by the board that satisfactory provision has been made for complying with the requirements of this Act by any university or institution in respect of any degree, diploma or certificate which is the subject of a proclamation issued under subsection (5), repeal the said proclamation.

(7) A degree, diploma or certificate specified in a proclamation issued under subsection (5) which has been granted by the university or institution to which such proclamation relates between the date specified in that proclamation and the date of repeal of that proclamation, shall not entitle the holder thereof to registration under this Act.

34. (1) Notwithstanding anything to the contrary in any law contained, any person who has been authorized by the board in writing to investigate any matter relating to the teaching or training of any class of person registered under this Act, may, for the purpose of making such investigation, enter any institution or premises utilized in the teaching or training of any such class of person.

Investigation of matters relating to the teaching or training of certain classes of persons.

(2) Any person who prevents any person authorized in terms of subsection (1) from entering any institution or premises referred to in that subsection or who hinders him in the making therein or thereon of any investigation contemplated in that subsection, shall be guilty of an offence.

CHAPTER IV

CONDUCT OF PHARMACEUTICAL PRACTICE

35. (1) Every pharmacy shall be conducted under the continuous personal supervision of a pharmacist whose name shall be displayed conspicuously over the main entrance of such pharmacy.

Pharmacy to be under continuous personal supervision of a pharmacist.

(2) Subject to the provisions of section 22, any member of a partnership, society or other association of persons the members of which are not each individually registered as a pharmacist, who uses in respect of such partnership, society or association of persons any name, title, description, symbol or descriptive term referred to in section 29 (1), shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment: Provided that any name, title, description, symbol or descriptive term lawfully used in respect of such partnership, society or association of persons immediately prior to the date of commencement of this Act may be continued to be so used for a period to be determined by the Minister after consultation with the board, and notified in the *Gazette*.

36. (1) Subject to the provisions of subsections (2) and (3), no person shall carry on business as a pharmacist, either alone or in partnership with another person, under any name, title or description which is or includes in any form the surname of a natural person, living or dead, if the use of such name, title or description is calculated or likely to lead persons to infer that a person of that surname is or has been associated with the pharmacy business in question.

Restriction in respect of business names.

(2) The provisions of subsection (1) shall not prohibit—

- (a) the inclusion in the name, title or description of any pharmacy business of the surname of an owner thereof, or, in the case of such a business wholly owned by a body corporate referred to in section 22, of the surname of any director thereof who is a pharmacist;

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- (b) the use in respect of any pharmacy business of any name, title or description under which that business has lawfully been carried on immediately prior to the commencement of this Act.

(3) The provisions of subsection (1) shall not apply in respect of any pharmacist whose business activities consists solely of the manufacture of medicines and the sale thereof to pharmacists or dealers and who does not carry on business as a retail pharmacist.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

37. Notwithstanding anything to the contrary in this Act contained—

Continuation of the business of a pharmacist by executor, trustee, liquidator or curator.

- (a) the executor in the deceased estate of a pharmacist may, subject to the law relating to the administration of estates, for a period not exceeding five years after the date of the death of that pharmacist, and for such additional period as the board may in its discretion allow, continue the pharmacy business of the deceased, provided it is conducted under the continuous personal supervision of a pharmacist;
- (b) the trustee in the insolvent estate of a pharmacist or the liquidator of a body corporate carrying on the business of a pharmacist may, subject to the law relating to insolvency or to companies, as the case may be, for a period not exceeding twelve months after the date of the final order of sequestration in respect of such insolvent estate or of the final winding-up order in respect of such body corporate, as the case may be, continue the pharmacy business of such pharmacist or body corporate, provided it is conducted under the continuous personal supervision of a pharmacist;
- (c) the curator in the estate of a pharmacist who has been declared by an order of a competent court to be incapable of managing his own affairs may, subject to the law relating to mental health, for a period not exceeding twelve months after the date of such order, and for such additional period as the board may in its discretion allow, continue the pharmacy business of such pharmacist, provided it is conducted under the continuous personal supervision of a pharmacist.

38. (1) Whenever it appears to the board that any person registered under this Act—

Restriction in, or suspension from, practice of registered person.

- (a) has become mentally or physically disabled to such an extent that it would be detrimental to the public interest to allow him to continue to practise;
- (b) has become unfit to purchase, acquire, keep, use, order, supply or possess any scheduled substance;
- (c) has been using a scheduled substance regularly for other than medicinal purposes as defined in section 1 of the Medicines and Related Substances Control Act, 1965; or
- (d) has become addicted to the use of any scheduled substance,

the board shall cause the matter to be investigated and the board may, if it deems it necessary, hold an inquiry *mutatis mutandis* in accordance with the provisions of section 40 and the regulations made under section 49 (1) (o), in respect of such person.

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(2) If the board, after holding an inquiry in terms of subsection (1), finds that any of the circumstances contemplated in paragraph (a), (b), (c) or (d) of that subsection exists in respect of the person concerned, it may, by order—

- (a) in the case of a person in respect of whom the circumstances contemplated in paragraph (a) of subsection (1) exist—
 - (i) suspend such person for a specified period from practising his profession or performing any act specially pertaining to his profession; or
 - (ii) impose such conditions as it may deem fit subject to which such person shall be entitled to continue practising his profession; or
- (b) in the case of a person in respect of whom any of the circumstances contemplated in paragraph (b), (c) or (d) of subsection (1) exists—
 - (i) impose upon such person any of the penalties referred to in section 45 (1);
 - (ii) prohibit such person for a specified period from purchasing, acquiring, keeping, using, dispensing, ordering, supplying or possessing any scheduled substance; or
 - (iii) impose for a specified period such conditions as it may deem fit subject to which such person shall be entitled to purchase, acquire, keep, use, dispense, order, supply or possess any scheduled substance.

(3) The board may extend for any period determined by it the period of operation of, withdraw, or in any other manner amend, any order made by it under subsection (2).

(4) The provisions of section 47 shall apply in respect of any person who has been suspended by virtue of any provision of subsection (2).

(5) Any person registered under this Act who contravenes or fails to comply with any order made under subsection (2) shall be guilty of an offence.

CHAPTER V

DISCIPLINARY POWERS OF THE BOARD

39. (1) The board shall have power to inquire into any complaint, charge or allegation of improper or disgraceful conduct against any person registered under this Act and, on finding such person guilty of such conduct, to impose any of the penalties prescribed in section 45 (1). Inquiry by the board into charges of misconduct.

(2) If the board is in doubt as to whether any inquiry should be held, it may, in connection with the complaint, charge or allegation in question, consult with or seek information from any person, including the person against whom the complaint, charge or allegation has been lodged.

(3) In the case of a complaint, charge or allegation which forms or is likely to form the subject of a criminal case in a court of law the board may postpone the holding of an inquiry until such case has been concluded.

(4) The board may appoint a person with adequate experience in the administration of justice to be present as an assessor at any inquiry held by the board under this Chapter and to advise it on matters of law, procedure or evidence.

40. (1) (a) For the purpose of any inquiry held in terms of section 39, the board may take evidence and may, under the hand of the president or the registrar, summon witnesses and require the production of any Procedure for the conduct of an inquiry.

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book, record, document or thing and may, through the president, administer an oath to any witness or accept an affirmation from him, and may examine any book, record, document or thing which any witness had been required to produce.

(b) A summons to appear before the board as a witness or to produce to it any book, record, document or thing shall be, as nearly as practicable, in the prescribed form, shall be signed by the president or the registrar and shall be served either by registered letter sent through the post or in the same manner as it would be served if it were a subpoena issued by a magistrate's court.

(c) Every person summoned in terms of this subsection shall be bound to obey the summons and any person who, having been duly summoned—

(i) refuses, or without sufficient cause fails, to attend and give evidence relevant to the inquiry at the time and place specified in the summons;

(ii) refuses to take the oath or to make an affirmation when required by the president to do so;

(iii) refuses to produce any book, record, document or thing which he has in terms of the summons been required to produce; or

(iv) attends before the board and refuses to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, any question lawfully put to him,

shall be guilty of an offence and on conviction liable to a fine not exceeding one hundred rand: Provided that every person so summoned shall be entitled to all the privileges to which a witness subpoenaed to give evidence before a provincial division of the Supreme Court is entitled.

(2) Every person whose conduct is the subject of an inquiry under section 39, shall be afforded an opportunity, by himself or through his legal representative, of answering the charge and of being heard in his defence.

41. (1) The board shall from time to time make rules specifying the acts or omissions in respect of which the board may take disciplinary steps under this Chapter: Provided that the powers of the board to inquire into and deal with any complaint, charge or allegation under this Chapter shall not be limited to the acts or omissions so specified.

Board to make rules relating to offences under this Chapter.

(2) No rule made in terms of subsection (1) or any amendment or withdrawal thereof shall be of force and effect until approved by the Minister and published in the *Gazette*.

42. (1) No pharmacist shall make or attempt to make or to recover, or enter into any agreement or associate himself in any way with any other person for the purpose of making or fixing, excessive charges for any article supplied or to be supplied by him in his capacity as a pharmacist.

Charges by pharmacists.

(2) Any pharmacist who contravenes any provision of subsection (1) shall be guilty of improper conduct as contemplated in section 39 and the board shall take cognizance of and deal with such conduct in terms of the provisions of this Chapter.

43. (1) No pharmacist shall pay to any medical practitioner any commission or in any other manner reward him in connection with a prescription which the medical practitioner has supplied.

Commission on prescriptions.

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(2) Any pharmacist who contravenes the provisions of subsection (1) shall be guilty of an offence and, in addition, may be dealt with by the board in terms of the provisions of this Chapter.

44. (1) Every registered person who, either before or after registration, has been convicted of any offence by a court of law may be dealt with by the board in terms of the provisions of this Chapter if the board is of the opinion that such offence constitutes improper or disgraceful conduct, or conduct which when regard is had to such person's profession is improper or disgraceful, and shall be liable on proof of the conviction to one or other of the penalties referred to in section 45: Provided that, before imposition of any penalty, such person shall be afforded an opportunity of tendering an explanation to the board in extenuation of the conduct in question.

Cognizance by board of conduct of registered persons under certain circumstances.

(2) When in the course of any proceedings before any court of law it appears to the court that there is *prima facie* proof of improper or disgraceful conduct on the part of a registered person, or of conduct which when regard is had to such person's profession is improper or disgraceful, the court shall direct that a copy of the record of such proceedings, or such portion thereof as is material to the issue, shall be transmitted to the board.

(3) In the case of charges the evidence in support whereof is documentary, or in such other cases as the board may deem fit, the registrar acting as *pro forma* complainant may institute proceedings under this Chapter.

45. (1) Any person registered under this Act who, after an inquiry held by the board in accordance with the provisions of this Chapter, has been found guilty of improper or disgraceful conduct, or conduct which when regard is had to such person's profession is improper or disgraceful, shall be liable to one or other of the following penalties:

Penalties the board may impose.

- (a) a reprimand or a caution or a reprimand and a caution; or
- (b) suspension for a specified period from practising or performing acts specially pertaining to his profession or, if he is a trainee pharmacist or an unqualified assistant, from performing such acts as he may perform in terms of this Act; or
- (c) removal of his name from the register.

(2) When the board has imposed one or other of the penalties referred to in subsection (1) the registrar shall cause to be published in the *Gazette* the name of the person concerned, the nature of the conviction and the penalty imposed.

(3) Any person aggrieved by a finding of or penalty imposed by the board in terms of this section, may, after notice to the board and within a period of two months after the date of such finding or the imposition of the penalty, appeal to the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area wherein the appellant normally practises in the capacity in which he is registered, against such finding or penalty, and the provisions of section 24 shall apply *mutatis mutandis* to such an appeal: Provided that no finding of or penalty imposed by the board shall be set aside by reason only of an irregularity which did not embarrass or prejudice the appellant in answering the charge or in the conduct of his defence.

(4) The board may, if it deems fit, and subject to such conditions (if any) as it may determine—

- (a) terminate any suspension under subsection (1) before the expiry of the specified period; or

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- (b) on payment of the prescribed fee restore to the register any name removed therefrom in terms of subsection (1).

46. Any person who gives false evidence on oath at an inquiry held under this Chapter, knowing such evidence to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury. Penalty for false evidence.

47. Every person who has been suspended or whose name has been removed from the register under this Chapter shall, if his profession is one which, under this Act, cannot be lawfully carried on by an unregistered person, be disqualified from carrying on his profession and his registration certificate shall be deemed to be cancelled until the period of suspension has expired or until his name has been restored to the register by the board. Effect of suspension or removal from register.

48. Save as is provided in this Act, no legal proceedings, civil or criminal, shall lie against the board or any member or officer in respect of any act done in good faith or duty performed in accordance with this Chapter or section 38. Limitation of liability.

CHAPTER VI

GENERAL AND SUPPLEMENTARY PROVISIONS

49. (1) The Minister may, on the recommendation of the board, make regulations relating to— Regulations.

- (a) the practice of pharmacy and the conduct of the business of a pharmacist;
- (b) the manner in which the business of the board shall be conducted, the procedure to be followed at meetings of the board or committees of the board, and the manner in which the minutes of such meetings shall be kept;
- (c) the manner in which the accounts of the board shall be kept and money accruing to the board shall be disposed of;
- (d) any fees payable under this Act, including fees in respect of the registration of any person as a trainee pharmacist, pharmacy student or pharmaceutical technician;
- (e) the conditions of service of officers appointed by the board;
- (f) the forms of the registers, certificates, forms and documents to be kept, issued, completed or compiled in terms of this Act;
- (g) the information to be furnished to the registrar by pharmacists, including pharmacists who are owners or managers of pharmacies or directors of bodies corporate carrying on business in the Republic as pharmacists;
- (h) the registration by the board of pharmacy students studying at any university or at any pharmacy school or other institution approved by the board;
- (i) the standards of general education required of such students as a condition precedent to registration as a pharmacy student;
- (j) the minimum requirements of the curriculum and the duration of the course of study for a degree or diploma in pharmacy;
- (k)
 - (i) the syllabuses for the various subjects included in the curriculum for the diploma in pharmacy awarded by the board in terms of section 33 (2);
 - (ii) the manner in which examinations for the diploma in pharmacy referred to in subparagraph (i) shall be conducted;

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- (l) (i) the registration by the board of trainee pharmacists;
 - (ii) the form of the contract between the pharmacist and the trainee pharmacist referred to in section 20;
 - (iii) the practical training to be undergone by such trainee pharmacist;
 - (iv) the accommodation facilities, material, equipment and other requisites to be provided in a pharmacy where a trainee pharmacist is being trained;
 - (v) the appointment of persons to inspect pharmacies where it is proposed to train trainee pharmacists or where trainee pharmacists are being trained;
 - (vi) the duties of persons appointed in terms of subparagraph (v) and the fees payable to them by the board in respect of inspections done by them;
 - (m) (i) the registration by the board of pharmaceutical technicians;
 - (ii) the persons required to be registered as pharmaceutical technicians and the circumstances under which such persons shall be required to be so registered;
 - (iii) the training and the educational or other qualifications required for registration as a pharmaceutical technician;
 - (n) (i) the election of members of the board required to be elected in terms of section 5 (1) (b) or 7 (2);
 - (ii) the requirements for a valid nomination of a candidate for election as a member of the board;
 - (o) the conduct of an inquiry held in terms of section 39, including—
 - (i) the manner in which complaints or charges brought against a registered person shall be lodged;
 - (ii) the method of summoning an accused person and the penalties for failure or refusal on the part of any such person to attend as summoned or for obstructing or interrupting the proceedings;
 - (iii) any other matter relating to the conduct of such an inquiry;
 - (p) any matter which, in terms of any provision of this Act, is required to be or may be prescribed by regulation;
 - (q) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.
- (2) The Minister may, after consultation with the executive committee of the board, if he deems it to be in the public interest—
- (a) without the recommendation of the board make regulations relating to any of the matters referred to in subsection (1) or amend or repeal any regulation made in terms of that subsection;
 - (b) amend or repeal any rule made in terms of the provisions of this Act.
- (3) Any proclamation or notice issued or regulation, rule or order made under this Act may from time to time be amended or repealed by the authority which issued or made it.

50. Any person who contravenes any provision of this Act in respect of the contravention of which no penalty is expressly provided shall on conviction be liable to a fine not exceeding five hundred rand. Penalty where not expressly provided.

PHARMACY ACT, 1974.

Act No. 53, 1974

51. This Act and any amendment thereof, except for the purposes of paragraph (b) of the proviso to section 6 (1), shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel. Application of Act in South West Africa.

52. (1) Subject to the provisions of subsection (2), so much of the provisions of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), as relates to chemists and druggists and the pharmaceutical profession, are hereby repealed. Repeal of laws.

(2) Any proclamation, regulation, rule, notice, authorization or order issued, made or granted, or any registration, removal from a register, appointment or any other thing done in terms of a provision of the law repealed by subsection (1), shall, unless inconsistent with the provisions of this Act, be deemed to have been made, granted, issued or done under the provisions of this Act.

53. This Act shall be called the Pharmacy Act, 1974, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.