



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Health Professions Act 16 of 2024

section 95(10)

Regulations relating to Continuing Professional Development applicable to Registered Persons

Government Notice 90 of 2010

(GG 4482)

came into force on date of publication: 11 May 2010

These regulations were made in terms of section 66 read with section 32(2) of the
Pharmacy Act 9 of 2004, which was repealed by the Health Professions Act 16 of 2024.

Pursuant to section 95(10) of the Health Professions Act 16 of 2024,
they are deemed to have been made under that Act.

The Government Notice which publishes these regulations notes that they were made
on the recommendation of the Pharmacy Council of Namibia.

ARRANGEMENT OF REGULATIONS

1. Definitions
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Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has that meaning, and -

“the Act” means the Pharmacy Act, 2004 (Act No. 9 of 2004).

[The Pharmacy Act 9 of 2004 has been replaced by the Health Professions Act 16 of 2024.]

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Continuing professional development applicable to a registered person

2. The continuing professional development determined by the Council under subsection (1) of section 32 of the Act in respect of a registered person or class of registered persons is applicable to that registered person or class of registered persons, and he or she or they must comply therewith.

Failure to comply with continuing professional development

3. (1) If a registered person fails to comply with the continuing professional development determined by the Council under subsection (1) of section 32 of the Act and applicable to him or her, the Council may -

- (a) refuse to maintain the registration of that registered person under section 28 of the Act; or
- (b) grant, on good cause shown, that registered person an extension of time for a period of not more than one year, subject to paragraph (a) of subregulation (2), to comply with the continuing professional development applicable to him or her; or
- (c) require that registered person to write an examination determined by the Council, subject to paragraph (b) of subregulation (2), which examination must determine the professional knowledge and skills of that registered person relating to the continuing professional development that he or she has failed to comply with.

(2) A registered person who has failed to comply with the continuing professional development referred to in subregulation (1), may apply to the Council in writing, in such form as the Council may determine, for -

- (a) the extension of time prescribed by paragraph (b); or
- (b) the writing of an examination prescribed by paragraph (c),

of subregulation (1).

(3) An application in accordance with subregulation (2) must -

- (a) explain in detail the reasons why the registered person failed to comply with the continuing professional development referred to in subregulation (1); and
- (b) be accompanied by -
 - (i) the information and documents determined by the Council; and
 - (ii) payment of the examination fees determined by the Council under section 28(1)(a) of the Act, if applicable.

(4) The Council, after having considered an application made in accordance with subregulations (2) and (3), may -

- (a) grant the application for -

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(i) the extension prescribed by paragraph (b); or

(ii) the writing of the examination prescribed by paragraph (c),

of subregulation (1), if it is satisfied that the failure by the registered person to comply with the continuing professional development referred to in that subregulation, is due to circumstances beyond his or her control; or

(b) refuse the application for -

(i) the extension prescribed by paragraph (b); or

(ii) the writing of the examination prescribed by paragraph (c),

of subregulation (1), if it is satisfied that the failure by the registered person to comply with the continuing professional development referred to in that subregulation, is not due to circumstances beyond his or her control.

(5) The Council must -

(a) inform the registered person in writing of any decision of the Council under subregulation (4);

(b) furnish the registered person in writing with particulars of the extension granted under subparagraph (i), or the examinations that must be written as determined under subparagraph (ii), as the case may be, of paragraph (a) of subregulation (4), and the period of time within which the examination must be written, if applicable; or

(c) inform the registered person in writing, if the application for extension is refused under paragraph (b) of subregulation (4), as soon as practicable of the grounds for the refusal.

(6) If a registered person fails to -

(a) complete the continuing professional development referred to in subregulation (1) within the period of extension granted under subregulation (4)(a)(i); or

(b) comply with a decision of the Council under subregulation (4)(a)(ii) that he or she must write an examination as determined by the Council within the period of time so determined, or fails to pass that examination,

he or she must be regarded as having failed to comply with the continuing professional development referred to in subregulation (1).

(7) The Council may apply the provisions of subregulation (1) of regulation 3 in respect of a registered person referred to in subregulation (6) of this regulation.