



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 470. 24 Maart 1982.

No. 470. 24 March 1982.

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

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

No. 39 van 1982: Wysigingswet op Aptekers, 1982.

No. 39 of 1982: Pharmacy Amendment Act, 1982.

Wet No. 39, 1982

WYSIGINGSWET OP APTEKERS, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Aptekers, 1974, ten einde voorsiening te maak vir die registrasie van persone met sekere kwalifikasies in farmasie buite die Republiek verwerf, as aptekersassistent; die regte en pligte van besturende direkteure van regspersone wat as aptekers sake doen, verder te reël; te bepaal dat 'n geregtelike bestuurder die aptekersaak van 'n regspersoon onder geregtelike bestuur, kan voortsit; verdere voorsiening te maak betreffende regulasies wat kragtens genoemde Wet uitgevaardig kan word; en die Suid-Afrikaanse Aptekersraad te magtig om sekere werksaamhede in of ten opsigte van state waarvan die gebied voorheen deel van die Republiek uitgemaak het, te verrig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Februarie 1982)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 21 van Wet 53 van 1974, soos vervang deur artikel 8 van Wet 20 van 1979.

1. Artikel 21 van die Wet op Aptekers, 1974 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) 5 word:

„(2) Iemand wat in besit is van 'n graad, diploma, 5
sertifikaat of ander kwalifikasie in farmasie wat hy buite die
Republiek verwerf het en wat nie 'n graad, diploma, 10
sertifikaat of kwalifikasie is wat of alleen of saam met 'n
ander kwalifikasie aan die besitter daarvan die reg verleen
op registrasie as 'n apteker kragtens hierdie Wet nie, kan by
betaling van die voorgeskrewe gelde as 'n aptekersassistent
geregistreer word mits— 15
(a) hy aan die voorgeskrewe vereistes voldoen het; en
(b) die raad van oordeel is dat sodanige persoon geskik is
om as sodanig geregistreer te word.”

Wysiging van artikel 22 van Wet 53 van 1974, soos gewysig deur artikel 9 van Wet 36 van 1977.

2. Artikel 22 van die Hoofwet word hierby gewysig—
(a) deur subartikel (2) deur die volgende subartikel te 20
vervang:
„(2) Die besturende direkteur bedoel in subartikel
(1) (a) is teenoor die raad verantwoordelik vir 'n
handeling deur of namens die betrokke regspersoon
verrig (met inbegrip van 'n versuim om 'n handeling te
verrig wat deur of namens die betrokke regspersoon 25
verrig moet word) wat tugstappe deur die raad tot
gevolg kan hê, tensy hy die raad oortuig dat die
verantwoordelikheid vir daardie handeling berus by 'n
ander apteker as hyself in diens van die regspersoon.”; 30
en

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GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Pharmacy Act, 1974, so as to provide for the registration of persons with certain qualifications in pharmacy obtained outside the Republic, as pharmacists' assistants; to further regulate the rights and duties of managing directors of corporate bodies carrying on business as pharmacists; to provide that a judicial manager may continue the pharmacy business of a body corporate under judicial management; to make further provision relating to regulations which may be made under the said Act; and to authorize the South African Pharmacy Board to perform certain functions in or in respect of states the territory of which formerly formed part of the Republic; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 26 February 1982.)

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

1. Section 21 the Pharmacy Act, 1974 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

Amendment of section 21 of Act 53 of 1974, as substituted by section 8 of Act 20 of 1979.

- “(2) Any person holding a degree, diploma, certificate or any other qualification in pharmacy which he has obtained outside the Republic and which is not a degree, diploma, certificate or qualification which singly or jointly with any other qualification entitles the holder thereof to registration as a pharmacist under this Act, may on payment of the prescribed fee be registered as a pharmacist's assistant provided—
- (a) he has complied with the prescribed requirements; and
- (b) the board is of opinion that such person is suitable to be registered as such.”

2. Section 22 of the principal Act is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:

Amendment of section 22 of Act 53 of 1974, as amended by section 9 of Act 36 of 1977.

- “(2) The managing director referred to in subsection (1) (a) shall be responsible to the board for any act **[done]** performed by or on behalf of the body corporate in question (including any omission to perform an act required to be performed 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.”; and

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(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die besturende direkteur van 'n regs persoon wat ingevolge hierdie artikel geregtig is om as 'n apteker sake te doen, kan ondanks die bepalings van subartikel (1) (a)—

(a) 'n direkteur (uitgesonderd 'n besturende direkteur) van 'n ander **[sodanige]** regs persoon wat ingevolge hierdie artikel geregtig is om as apteker sake te doen, wees; **[Met dien verstande dat hy nie ten opsigte van die regs persoon waarvan hy nie 'n besturende direkteur is nie 'n handeling bedoel in artikel 29 (2) of enige ander handeling van soortgelyke aard wat by uitstek by die beroep van 'n apteker tuishoort, mag verrig nie]**

(b) met die vooraf verkreeë skriftelike toestemming van die raad 'n handeling bedoel in artikel 29 (2) of enige ander handeling van 'n soortgelyke aard wat by uitstek by die beroep van 'n apteker tuishoort, verrig in 'n apteek wat nie aan die regs persoon waarvan hy 'n besturende direkteur is, behoort nie.”.

Wysiging van artikel 33 van Wet 53 van 1974.

3. Artikel 33 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikels in te voeg:

„(1A) 'n Persoon of opvoedkundige inrigting wat opleiding bedoel in subartikel (1) wil aanbied, moet, alvorens hy sodanige opleiding aanbied, skriftelik by die raad aansoek doen om goedkeuring van sodanige opleiding en die besonderhede aangaande daardie opleiding verstrek wat die raad vereis.

(1B) Die raad kan 'n aansoek wat ingevolge subartikel (1A) gedoen is, toestaan of weier, en indien hy so 'n aansoek toestaan, kan hy die voorwaardes en vereistes bepaal onderworpe waaraan die betrokke opleiding aangebied mag word.”.

Wysiging van artikel 37 van Wet 53 van 1974, soos gewysig deur artikel 12 van Wet 20 van 1979.

4. Artikel 37 van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

„(d) kan die geregtelike bestuurder van 'n regs persoon wat as 'n apteker sake doen, behoudens die wetsbepalings met betrekking tot geregtelike bestuur vir 'n tydperk van hoogstens twaalf maande na die datum van die finale geregtelike bestuursbevel, en vir die bykomende tydperk wat na goeddunke deur die raad toegelaat word, die aptekersaak van daardie regs persoon voortsit, mits dit onder die voortdurende persoonlike toesig van 'n apteker gedryf word.”.

Wysiging van artikel 49 van Wet 53 van 1974, soos gewysig deur artikel 11 van Wet 36 van 1977 en artikel 18 van Wet 20 van 1979.

5. Artikel 49 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) gelde wat kragtens hierdie Wet betaalbaar is (met inbegrip van gelde ten opsigte van die registrasie van 'n apteek of van iemand as 'n kwekeling-apteker, aptekerstudent, farmaseutiese tegnikus, aptekersassistent of farmaseutiese hulppersoneellid of van 'n regs persoon wat as apteker sake doen of van 'n besturende direkteur van so 'n regs persoon) en vrystelling van betaling van sodanige gelde;”.

Invoeging van artikel 50A in Wet 53 van 1974.

6. Die volgende artikel word hierby in die Hoofwet na artikel 50 ingevoeg:

„Verrigting deur raad van sekere werksaamhede in of ten opsigte van sekere state. **50A.** Indien die regering van die Republiek en die regering van 'n staat waarvan die gebied voorheen deel van die Republiek uitgemaak het daartoe ooreenkom, kan die raad enige werksaamheid verrig wat hom by of kragtens 'n wet van daardie staat opgedra word in verband met die beheer in daardie

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(b) by the substitution for subsection (4) of the following subsection:

“(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, the provisions of subsection (1) (a) notwithstanding—

(a) be a director (other than a managing director) of any other [such] body corporate which in terms of this section is entitled to carry on business as a pharmacist; [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]

(b) with the prior written consent of the board 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, in a pharmacy not belonging to the body corporate of which he is a managing director.”.

3. Section 33 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsections: Amendment of section 33 of Act 53 of 1974.

“(1A) Any person or educational institution intending to offer training referred to in subsection (1) shall, before offering such training, apply to the board in writing for its approval of such training and shall furnish such particulars regarding such training as the board may require.

(1B) The board may grant or refuse any application made in terms of subsection (1A), and if it grants any such application it may determine the conditions and requirements subject to which the training in question may be offered.”.

4. Section 37 of the principal Act is hereby amended by the addition of the following paragraph: Amendment of section 37 of Act 53 of 1974, as amended by section 12 of Act 20 of 1979.

“(d) the judicial manager of a body corporate carrying on business as a pharmacist may, subject to the law relating to judicial management, for a period not exceeding twelve months after the date of the final judicial management order, and for such additional period as the board may at its discretion allow, continue the pharmacy business of such body corporate, provided it is conducted under the continuous personal supervision of a pharmacist.”.

5. Section 49 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph: Amendment of section 49 of Act 53 of 1974, as amended by section 11 of Act 36 of 1977 and section 18 of Act 20 of 1979.

“(d) any fees payable under this Act, (including fees in respect of the registration of any pharmacy or of any person as a trainee pharmacist, pharmacy student, pharmaceutical technician, pharmacist’s assistant or pharmaceutical auxiliary personnel member or of a body corporate carrying on business as a pharmacist or of a managing director of any such body corporate) and exemption from the payment of any such fees;”.

6. The following section is hereby inserted in the principal Act after section 50: Insertion of section 50A in Act 53 of 1974.

“Performance by board of certain functions in or in respect of certain states. **50A.** If the government of the Republic and the government of a state the territory of which formerly formed part of the Republic agree thereto, the board may perform any function assigned to it by or under a law of that state in connection with the control in that state of the practice of the phar-

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staat oor die uitoefening van die aptekersberoep (met inbegrip van die beroep of betrekking van farmaseutiese tegnikus of aptekersassistent) of oor die opleiding van aptekers, farmaseutiese tegnisi of aptekerassistente, en so 'n werksaamheid word deur die raad verrig op die voorwaardes waaromtrent daar tussen die regering van die Republiek en die regering van daardie staat ooreengekom word.” 5

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Aptekers, 1982.

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maceutical profession (including the profession or occupation of pharmaceutical technician or assistant) or of the training of chemists, pharmaceutical technicians or assistants, and any such function shall be performed by the board subject to such conditions as may be agreed upon by the government of the Republic and the government of that state.”.

7. This Act shall be called the Pharmacy Amendment Act, Short title. 1982.

