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No. 4442

Wet No. 53, 1974

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 16 OCTOBER 1974

[No. 4442

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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

WET

Tot samevatting en wysiging van die wette wat voorsiening maak vir die instelling van die Suid-Afrikaanse Aptekerskommissie en vir die opleiding en registrasie van aptekers, kwekeling-aptekers, aptekerstudente, ongekwalifiseerde assistente en farmaceutiese tegnici; om voorsiening te maak vir beheer oor die beoefening van die aptekersberoep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 Oktober 1974.)

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

**Woord-
omskrywing.**

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „apteek” ’n plek waarin ’n handeling verrig word wat by uitstek by die beroep van ’n apteker tuishoort; (vii)
 - (ii) „apteker” iemand wat as sodanig kragtens hierdie Wet geregistreer is; (vi)
 - (iii) „farmaceutiese tegnikus” iemand wat as sodanig kragtens hierdie Wet geregistreer is; (v)
 - (iv) „gelyste stof” enige medisyne of stof wat in die bylaes by die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, opgeneem is; (xiv)
 - (v) „hierdie Wet” ook ’n proklamasie, regulasie, reël of bevel uitgevaardig kragtens hierdie Wet; (xv)
 - (vi) „kwekeling-apteker” iemand wat as sodanig kragtens hierdie Wet geregistreer is en wat praktiese opleiding ondergaan soos beoog in artikel 20; (xvi)
 - (vii) „lid” ’n lid van die raad; (iii)
 - (viii) „medisyne” medisyne soos omskryf in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965; (ii)
 - (ix) „Minister” die Minister van Gesondheid; (iv)
 - (x) „ongekwalifiseerde assistent” iemand wat as sodanig kragtens hierdie Wet geregistreer is; (xvii)
 - (xi) „president” of „vise-president” die president of vise-president van die raad en ook iemand wat wettiglik waarneem as president of vise-president van die raad, na gelang van die geval, en, by die toepassing van artikel 40 (1), ’n lid wat as voorsitter optree by ’n ondersoek bedoel in artikel 39; (ix)
 - (xii) „raad” die raad bedoel in artikel 2; (i)
 - (xiii) „register” ’n register wat ooreenkomsdig die bepalings van hierdie Wet gehou word en, met betrekking tot ’n kategorie of ’n lid van ’n kategorie van persone ten opsigte van wie ’n register gehou word, die register wat vir daardie kategorie gehou word, en „registreer” in ’n register inskryf en het die woorde „geregistreer”, „registreerbaar”, „registrasie” en alle ander woorde wat met die woord „register” gevorm of daaruit afgelei is, ’n ooreenstemmende betekenis; (x)

PHARMACY ACT, 1974.

Act No. 53, 1974

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:—

- Definitions.
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”, “registerable,” “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)

Wet No. 53, 1974

WET OP APTEKERS, 1974.

- (xiv) „registerateur” die registerateur van die raad aangestel kragtens artikel 11 van hierdie Wet of 'n persoon wat wettiglik in daardie hoedanigheid waarneem; (xi)
- (xv) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig; (xii)
- (xvi) „Republiek” ook die gebied Suidwes-Afrika; (xiii)
- (xvii) „voorskryf” of „voorgeskrewe” by regulasie voorskryf of voorgeskrewe. (viii)

HOOFSTUK I

VOORTBESTAAN EN OOGMERKE, BEVOEGDHEDEN EN WERKSAAMHEDEN VAN DIE SUID-AFRIKAANSE APTEKERSKOMMISSIE

Voortbestaan van Suid-Afrikaanse Aptekerskommissie.

2. (1) Die Suid-Afrikaanse Aptekerskommissie ingestel by artikel 2 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), bly, ondanks die bepalings van artikel 52 (1) van hierdie Wet, onder die naam van die Suid-Afrikaanse Aptekersraad voortbestaan en bly 'n regspersoon.

(2) Die hoofkantoor van die raad is in Pretoria geleë.

Oogmerke van die raad.

3. Die oogmerke van die raad is om—
 (a) hulp te verleen by die bevordering van die gesondheid van die bevolking van die Republiek;
 (b) farmaseutiese opleiding in die Republiek te beheer en te bevorder en om toereikende standaarde ten opsigte daarvan in te stel en te handhaaf;
 (c) die beoefening van die aptekersberoep te beheer en ooreenkomstig die voorskrifte van hierdie Wet klagtes met betrekking tot die sake van aptekers te ondersoek; en
 (d) die Minister van advies te dien oor enige aangeleentheid betreffende farmasie.

Werksaamhede en bevoegdhede van die raad.

4. Die werksaamhede van die raad is om die oogmerke waarmee hy ingestel is, te probeer bereik, en ten einde daardie oogmerke te bereik, het die raad, behoudens die bepalings van hierdie Wet, die bevoegdheid, benewens enige ander bevoegdheid wat deur hierdie Wet aan hom verleen word, om—

- (a) afskrifte van die registers of van aanvullende lysse wat wysigings van die registers aantoon, te laat druk en uitgee;
- (b) uittreksels uit die registers uit te reik en die gelde wat voorgeskryf word ten opsigte daarvan te vra;
- (c) die betaling van die voorgeskrewe jaarlikse geld aan die raad deur 'n geregistreerde persoon, te vereis;
- (d) in die omstandighede wat voorgeskryf word, of waar andersins deur hierdie Wet gemagtig, 'n naam uit die registers te skrap of om, by betaling van die voorgeskrewe geld, dit daarop terug te plaas;
- (e) eksaminatore en moderators aan te stel, eksamens af te neem en sertifikate toe te ken, en om die gelde wat voorgeskryf word ten opsigte van die eksamens of sertifikate te vra;
- (f) op die voorwaardes wat hy goedvind, die opleiding van aptekers goed te keur;
- (g) eiendom te verkry, te huur of daaroor te beskik, geld op sekuriteit van die bates van die raad te leen of 'n trust of skenking te aanvaar en te administreer;
- (h) die nodige beampies aan te stel en hul pligte te reguleer: Met dien verstande dat 'n beampte wat aangestel word, in albei amptelike tale bedrewe moet wees; behoudens die bepalings van hierdie Wet, iemand as 'n apteker te registrer, die aantekeninge en rekenings van of die bedrywigheid by 'n apteek wat deur 'n aldus geregistreerde persoon gedryf word, te ondersoek, of te eis dat 'n aldus geregistreerde persoon aan die raad die inligting verstrek wat die raad nodig ag;
- (i)

PHARMACY ACT, 1974.

Act No. 53, 1974

- (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—

Objects of the board.

- (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.

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;

Wet No. 53, 1974**WET OP APTEKERS, 1974.**

- (j) in die omstandighede wat voorgeskryf word, 'n registrasie wat aan iemand die reg verleen om die beroep van 'n apteker te beoefen, op te skort of in te trek;
- (k) een of ander aangeleentheid wat die aptekersberoep raak, te oorweeg, en in verband daarmee vertoë te rig of die stappe te doen wat die raad raadsaam ag;
- (l) op aansoek van 'n persoon, kwalifikasies deur hom behaal (het sy die kwalifikasies in die Republiek of elders behaal is) te erken as gelykstaande, het sy in die geheel of gedeeltelik, met voorgeskrewe kwalifikasies, en daarna word dit geag dat daardie persoon, in die mate waarin die kwalifikasies aldus erken is, die voorgeskrewe kwalifikasies behaal het;
- (m) die ander werkzaamhede wat voorgeskryf word, te verrig, en

oor die algemeen, alles te doen wat die raad nodig of dienstig ag ten einde die oogmerke van hierdie Wet te bereik.

**Samestelling
van raad.**

5. (1) Na 1 Januarie 1979 bestaan die raad uit die volgende lede, te wete—

(a) vyf persone deur die Minister aangestel, van wie—

- (i) twee aptekers moet wees, van wie een 'n lid moet wees van die personeel van 'n universiteit, en die ander 'n lid moet wees van die personeel van 'n kollege vir gevorderde tegniese onderwys, waar voorstiening gemaak word vir die opleiding van aptekers, wat albei aangestel moet word na oorlegpleging met die raad;
- (ii) een 'n apteker moet wees wat 'n beampie in die diens van 'n provinsiale administrasie is; en
- (iii) een 'n beampie van die Departement van Gesondheid moet wees;
- (b) ses aptekers wat Suid-Afrikaanse burgers is, in die Republiek woonagtig is en deur aptekers verkies word ooreenkomsdig die bepalings van hierdie Wet; en
- (c) een geneesheer geregistreer ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, en uit sy gelede aangestel deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in daardie Wet.

(2) Wanneer die persone wat ingevolge subartikel (1) (b) geregtig is om 'n lid van die raad te verkies, in gebreke bly om, voor die verstryking van die tydperk wat in die regulasies beoog word vir die teken en afstuur of oorhandiging van stembriefies, 'n persoon te verkies om 'n vakature ten opsigte van die amp van so 'n lid te vul, kan die Minister, na oorlegpleging met die uitvoerende komitee van die raad, 'n persoon wat bevoeg is om aldus verkies te word, aanstel om die vakature te vul, en daarna word die persoon aldus aangestel, geag behoorlik verkies te gewees het.

(3) 'n Lid van die raad beklee sy amp vir vyf jaar, maar kan weer aangestel of verkies word, na gelang van die geval: Met dien verstande dat vir die tydperk vanaf die datum van inwerkingtreding van hierdie Wet tot 1 Januarie 1979—

- (a) die lede van die kommissie wat ingevolge artikel 2 (3) (a) en (7) van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), deur die Minister benoem is, uitgesonderd die geneesheer ingevolge artikel 2 (3) (a) van daardie Wet benoem, hul amp beklee en geag word as lede van die raad aangestel te gewees het ingevolge subartikel (1) (a) van hierdie artikel;
- (b) die Minister ingevolge subartikel (1) (a) (iii) van hierdie artikel 'n beampie van die Departement van Gesondheid in die plek van die geneesheer bedoel in paragraaf (a), as 'n lid van die raad moet aanstel;

PHARMACY ACT, 1974.

Act No. 53, 1974

- (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—

- (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;

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(c) die lede van die kommissie wat ingevolge artikel 2 (4) van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), verkies is, hul amp beklee en geag word as lede van die raad verkies te gewees het ingevolge subartikel (1) (b) van hierdie artikel; en

(d) die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in subartikel (1) (c) van hierdie artikel, 'n geneesheer as 'n lid van die raad moet aanstel.

(4) Indien eniglets wat ingevolge hierdie Wet in verband met die aanstelling of verkiesing van 'n lid gedoen moet word, nagelaat word of nie binne die tydperk of op die wyse deur hierdie Wet vereis, gedoen word nie, kan die Minister gelas dat al die nodige stappe gedoen word om die versuim of fout te herstel of kan hy eniglets wat op 'n onreëlmatige wyse of in 'n onreëlmatige vorm gedoen is, geldig verklaar, ten einde aan die oogmerke van hierdie Wet gevolg te gee.

Prosedure by aanstelling en verkiesing van lede.

6. (1) Die prosedure wat gevolg moet word by die verkiesing van die ses lede in artikel 5 (1) (b) bedoel, word by regulasie voorgeskryf: Met dien verstande dat—

- (a) nie meer as twee aptekers wat aldus verkies is, by die afsluiting van die verkiesing, in dieselfde provinsie van die Republiek gewoonlik woonagtig mag wees nie; en
- (b) elke provinsie van die Republiek by die afsluiting van die verkiesing deur minstens een verkose apteker in die raad verteenwoordig moet wees.

(2) Die registrator moet—

- (a) op 'n datum voor die in subartikel (1) bedoelde verkiesing wat hy dienstig ag, die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in artikel 5 (1) (c) versoek om ingevolge die bepalings van daardie artikel 'n lid aan te stel, waarop bedoelde Raad so 'n lid moet aanstel en die registrator in kennis moet stel van die naam van die lid aldus aangestel;
- (b) onmiddellik na die verkiesing in subartikel (1) bedoel, die Minister in kennis stel van die name van die verkose lede, waarop die Minister die lede bedoel in artikel 5 (1) (a) moet aanstel en die registrator in kennis moet stel van die name van die lede aldus aangestel.

(3) Die registrator moet in die Staatskoerant kennis gee van die aanstelling of verkiesing van 'n lid van die raad, die datum van die aanstelling of verkiesing en die tydperk waarvoor daardie lid aangestel of verkies is.

(4) Iemand wat 'n valse verklaring afle of laat afle op 'n identifikasiekoevert uitgereik in verband met 'n verkiesing beoog in artikel 5 (1) (b), is skuldig aan 'n misdryf en by skuldig bevinding strafbaar met 'n boete van hoogstens duisend rand.

Ontruiming van amp en die vul van vakature.

7. (1) 'n Lid van die raad ontruim sy amp indien—

- (a) sy boedel gesekwestreer word;
- (b) hy kragtens hierdie Wet onbevoeg is of word om sy beroep te beoefen;
- (c) hy 'n pasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
- (d) hy aan 'n misdryf skuldig bevind word ten opsigte waarvan hy gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
- (e) hy ophou om 'n Suid-Afrikaanse burger te wees;
- (f) hy sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwezig was;

PHARMACY ACT, 1974.

Act No. 53, 1974

- (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—

- (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—

- (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;

Procedure at
appointment and
election of
members.

Vacation of
office and the
filling of vacancies.

Wet No. 53, 1974**WET OP APTEKERS, 1974.**

- (g) hy, as hy 'n verkose lid is, skriftelik sy bedanking by die registrator indien of indien hy, as hy 'n deur die Minister aangestelde lid is, ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is of skriftelik sy bedanking by die Minister indien en die Minister sy bedanking aanvaar of indien hy, as hy 'n lid is wat aangestel is deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in artikel 5 (1) (c), skriftelik sy bedanking by daardie raad indien; of
 (h) die Staatspresident in die openbare belang sy lidmaatskap beëindig.
- (2) Elke vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (1) bedoel en elke vakture wat veroorsaak word deur die dood van 'n lid, word gevul deur aanstelling of verkiesing na gelang die lid wie se amp vakant geword het, aangestel of verkies was, en elke lid wat aldus aangestel of verkies word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel of verkies was.

President, vise-president en penningmeester.

8. (1) Die lede van elke nuut saamgestelde raad moet op die eerste vergadering van daardie raad 'n president, 'n vise-president en 'n penningmeester uit hul midde kies.

(2) Die president, vise-president en penningmeester beklee hul amp vir die duur van die ampstermyn van die lede van die raad tensy die president, vise-president of penningmeester eerder bedank of ophou om 'n lid van die raad te wees.

(3) Die vise-president kan, indien die president afwesig is of om die een of die ander rede nie as president kan optree nie, al die werksaamhede verrig en al die bevoegdhede uitoefen van die president.

(4) Indien sowel die president as die vise-president van 'n vergadering afwesig is, moet die aanwesige lede iemand uit hul midde kies om op daardie vergadering voor te sit, en die persoon wat aldus voorsit, kan gedurende daardie vergadering en totdat die president of die vise-president sy pligte hervat, al die werksaamhede verrig en al die bevoegdhede uitoefen van die president.

(5) Indien aan beide die president en die vise-president afwesigheidsverlof toegestaan is, moet die lede van die raad iemand uit hul midde kies om as president waar te neem totdat die president of die vise-president sy pligte hervat of sy amp ontruim.

(6) Indien die amp van president, vise-president of penningmeester vakant word, moet die lede van die raad op die eerste vergadering nadat die vakture ontstaan of so spoedig daarna as wat gerieflik mag wees, uit hul midde 'n nuwe president, vise-president of penningmeester, na gelang van die geval, kies en die aldus verkose lid beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

(7) 'n President of 'n vise-president of 'n penningmeester kan sy amp as sodanig ontruim sonder dat sodanige ontruiming vanself sy lidmaatskap van die raad beëindig.

Vergaderings van die raad.

9. (1) Die raad moet minstens twee vergaderings per jaar hou op die plekke wat die raad bepaal en kan daarbenewens die verdere vergaderings hou wat die raad van tyd tot tyd bepaal.

(2) Die president kan te eniger tyd 'n spesiale vergadering van die raad belê wat gehou moet word op die datum en plek wat hy bepaal en hy moet, op 'n skriftelike versoek van die Minister of 'n skriftelike versoek wat deur minstens vier lede onderteken is, 'n spesiale vergadering belê wat binne dertig dae na die datum van ontvangs van die versoek, gehou moet word op die datum en plek wat hy bepaal: Met dien verstande dat bedoelde skriftelike versoek die doel waarvoor die vergadering belê moet word, duidelik moet vermeld.

PHARMACY ACT, 1974.

Act No. 53, 1974

- (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.

(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.

(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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(3) Vier lede van die raad maak 'n kworum op 'n vergadering van die raad uit.

(4) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit en in die geval van 'n staking van stemme het die lid wat op die vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem.

Uitvoerende en ander komitees.

10. Die raad kan 'n uitvoerende komitee en die ander komitees wat hy nodig ag uit sy lede aanstel en kan sodanige van sy bevoegdhede wat hy van tyd tot tyd bepaal aan so 'n komitee deleer, maar word nie onthef van 'n bevoegdheid wat aldus gedelegeer is nie: Met dien verstande dat—

(a) geen straf deur so 'n komitee opgelê (uitgesonderd 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing) van krag is totdat die raad die oplegging daarvan bekragtig het nie;

(b) 'n bevel deur so 'n komitee ingevolge artikel 38 (2) uitgereik onmiddellik in werking tree indien die komitee in die openbare belang aldus gelas, maar na die verstryking van 'n tydperk van ses maande vanaf die datum van die bevel verval indien die raad dit nie binne daardie tydperk bekragtig nie.

Aanstelling van registerieur en ander beampetes.

11. (1) Die raad moet 'n registerieur aanstel en kan die ander beampetes aanstel wat hy nodig ag vir die verrigting van sy werksaamhede kragtens hierdie Wet en kan enige van daardie ander beampetes ontslaan.

(2) Die registerieur dien as sekretaris van die raad en verrig die werksaamhede en kom die pligte na wat kragtens hierdie Wet aan hom toegewys of opgelê is, sowel as die werksaamhede en pligte wat van tyd tot tyd deur die raad aan hom toegewys of opgelê word.

(3) Die aanstelling of die ontslag van die registerieur is onderworpe aan die goedkeuring van die Minister.

Finansies van raad en besoldiging en toelaes van lede.

12. (1) Alle registrasiegeld, eksamengelde en ander kragtens hierdie Wet betaalbare gelde moet aan die raad oorbetaal word en maak sy fondse uit en die raad moet sy fondse aanwend ter bestryding van uitgawes aangegaan in verband met die verrigting van sy werksaamhede.

(2) Daar word aan die president, vise-president en die ander lede van die raad en lede van komitees van die raad, uitgesonderd sodanige lede wat in die heetydse diens van die Staat is, uit die fondse van die raad ten opsigte van hul dienste die besoldiging en toelaes betaal wat die Minister op aanbeveling van die raad bepaal.

HOOFSTUK II

REGISTRASIE VAN APTEKERS EN REGSPERSONE WAT SAKE DOEN AS 'N APTEKER EN INSTANDHOUING VAN REGISTERS

Registrasie 'n voorvereiste om te kan praktiseer.

13. (1) Niemand mag in die Republiek as 'n apteker praktiseer tensy hy 'n registrasiesertifikaat besit wat ingevolge hierdie artikel aan hom uitgereik is nie.

(2) Iedereen wat wens om as 'n apteker geregistreer te word, moet by die raad aansoek doen en moet, tensy hy die raad se diploma in farmasie besit, die graad, diploma of sertifikaat waarop hy steun as 'n kwalifikasie vir registrasie, voorlê, sowel as die bewys van identiteit en goeie karakter en van die egtheid en geldigheid van die voorgelegde graad, diploma of sertifikaat, wat die raad vereis.

(3) Indien die registerieur oortuig is daarvan dat die graad, diploma of sertifikaat en die ander stukke wat ter stawing van die aansoek voorgelê is, aan die vereistes van hierdie Wet voldoen en dat, in die geval van 'n persoon wat sy kwalifikasies buite

PHARMACY ACT, 1974.

Act No. 53, 1974

(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 committee 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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

die Republiek verwerf het, die aansoeker in die Republiek gedomisilieer is, moet hy, by betaling deur die aansoeker van die voorgeskrewe registrasiegeld en jaarlikse geld, 'n registrasiesertifikaat uitrek wat die aansoeker magtig om, behoudens die bepalings van hierdie Wet of van enige ander wet, die beroep van 'n apteker te beoefen.

(4) Indien die registrator nie daarvan oortuig is dat die graad, diploma of sertifikaat en die ander stukke wat ter stawing van die aansoek voorgelê is, aan die vereistes van hierdie Wet voldoen nie, moet hy weier om 'n registrasiesertifikaat aan die aansoeker uit te reik, maar moet hy, indien dit deur die aansoeker geëis word, die aansoek aan die raad vir beslissing voorlê.

Hou van registers.

14. (1) Die registrator moet die volgende registers korrek en ooreenkomsdig die bepalings van hierdie Wet hou en die name van alle geregistreerde persone wat oorlede is of wie se tydperk van registrasie verstryk het ingevolge regulasies kragtens artikel 17 uitgevaardig, daaruit skrap, en van tyd tot tyd die nodige wysigings in die adresse of kwalifikasies van geregistreerde persone aanbring—

(a) 'n register van aptekers waarin die naam, adres, kwalifikasies en datum van eerste registrasie of van herregistrasie van iedereen wat ingevolge hierdie Wet daarop geregtig is om as 'n apteker geregistreer te word, ingeskryf moet word;

(b) 'n register van kwekeling-aptekers waarin die naam, adres en kwalifikasies van iedereen wat 'n in artikel 20 (1) bedoelde opleidingskontrak aangegaan het, ingeskryf moet word;

(c) 'n register van aptekerstudente waarin die naam van iedereen wat by 'n deur die raad goedgekeurde universiteit, aptekerskool of ander inrigting ingeskryf is en wat aan die vereistes voorgeskryf vir registrasie as 'n aptekerstudent voldoen het, asook sy registrasienommer, datum van registrasie en die naam van die universiteit, aptekerskool of ander inrigting waar hy ingeskryf is, ingeskryf moet word;

(d) 'n register van ongekwalifieerde assistente waarin die naam, adres, registrasienommer en datum van registrasie van iedereen wat ingevolge hierdie Wet daarop geregtig is om as 'n ongekwalifieerde assistent geregistreer te word, ingeskryf moet word;

(e) 'n register van regspersone waarin die naam, adres, registrasienommer en datum van registrasie van iedere regspersoon wat ingevolge hierdie Wet as 'n apteker sake doen, asook die naam van die besturende direkteur bedoel in artikel 22 (1) (a), ingeskryf moet word;

(f) 'n register van apteke waarin die naam en adres van iedere apteek in die Republiek en die naam van die eienaar, bestuurder of persoon in beheer van daardie apteek ingeskryf moet word; en

(g) die ander registers wat voorgeskryf word.

(2) Iedere geregistreerde persoon wat van adres verander, moet binne dertig dae na die verandering aan die registrator skriftelik kennis gee daarvan.

(3) Wanneer die Sekretaris van Binnelandse Sake 'n sterfregerister ten opsigte van 'n persoon ontvang wat aantoon dat daardie persoon onmiddellik voor sy dood as 'n apteker gepraktiseer het, moet hy die registrator onverwyld van die sterfgeval in kennis stel.

PHARMACY ACT, 1974.

Act No. 53, 1974

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—

- (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.

Keeping of
registers.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(4) Geen graad, diploma of sertifikaat mag in die register ingeskrywe word nie tensy die registrator daarvan oortuig is dat die persoon wat aanspraak maak op besit van so 'n graad, diploma of sertifikaat daarop geregtig is, of indien die raad nie aldus oortuig is nie; en enige inskrywing wat tot bevrediging van die raad bewys word weens 'n vergissing of as gevolg van wanvoorstelling of in omstandighede wat nie by hierdie Wet gemagtig word nie, gemaak te gewees het, kan uit die register geskrap word en 'n aantekening van die rede vir elke sodanige skraping moet in die register gemaak word en die persoon ten opsigte van wie se inskrywing daardie skraping gedoen is, moet daarvan in kennis gestel word op die wyse in artikel 23 (2) beoog en 'n sertifikaat wat ten opsigte van die betrokke registrasie uitgereik is, word geag ingetrek te wees vanaf die datum waarop aldus kennis gegee is.

Kwalifikasies vir registrasie.

Erkenning van kwalifikasies buite die Republiek verwerf, vir die doeleindes van registrasie as 'n apteker.

15. Die Minister kan van tyd tot tyd op aanbeveling van die raad die verskeie grade, diplomas en sertifikate, toegeken na eksamens deur 'n universiteit, of ander instansie wat eksamens afneem, in die Republiek, voorskryf wat, indien alleen of saam met 'n ander graad, diploma of sertifikaat besit, aan die besitters daarvan die reg verleen, hetsy onvoorwaardelik of onderworpe aan die voorwaardes wat die Minister op aanbeveling van die raad voorskryf, op registrasie as aptekers kragtens hierdie Wet.

16. Die Minister kan van tyd tot tyd op aanbeveling van die raad die verskeie grade, diplomas en sertifikate, toegeken na eksamens deur 'n universiteit, of ander instansie wat eksamens afneem, buite die Republiek, voorskryf wat, indien alleen of saam met 'n ander graad, diploma of sertifikaat besit, aan die besitters daarvan die reg verleen op registrasie as aptekers kragtens hierdie Wet indien hulle, voor of in verband met of na die verwerwing van daardie grade, diplomas of sertifikate, voldoen het aan die voorwaardes of vereistes wat aldus voorgeskryf word: Met dien verstande dat—

- (a) so 'n graad, diploma of sertifikaat aan die besitter daarvan die reg verleen om as 'n apteker te praktiseer in die land of staat waarin bedoelde universiteit of ander instansie wat eksamens afneem, geleë is;
- (b) die raad oortuig moet wees dat die standaard van professionele opleiding wat nodig is vir die verwerwing van so 'n graad, diploma of sertifikaat nie laer is nie as dié wat ten opsigte van die opleiding van aptekers binne die Republiek voorgeskryf word; en
- (c) op aanbeveling van die raad daar met betrekking tot so 'n graad, diploma of sertifikaat bepaal kan word dat registrasie kragtens hierdie Wet beperk word tot 'n bepaalde kategorie besitters van so 'n graad, diploma of sertifikaat of tot 'n bepaalde getal besitters in daardie kategorie en dat die besondere besitters wat geregistreer staan te word ooreenkomsdig 'n bepaalde prosedure uitgekies moet word.

Erkenning van kwalifikasies buite die Republiek verwerf, vir doeleindes van beperkte registrasie as 'n apteker.

17. Behalwe die grade, diplomas en sertifikate wat kragtens artikel 16 voorgeskryf kan word, kan die Minister van tyd tot tyd op aanbeveling van die raad die verskeie grade, diplomas en sertifikate, toegeken na eksamens deur 'n universiteit, of ander instansie wat eksamens afneem, buite die Republiek, voorskryf wat, indien alleen of saam met 'n ander graad, diploma of sertifikaat besit, aan die besitters daarvan die reg verleen op registrasie as aptekers kragtens hierdie Wet indien hulle, voor of in verband met of na die verwerwing van daardie grade, diplomas of sertifikate, voldoen het aan die voorwaardes of vereistes wat aldus voorgeskryf word, en die raad kan daarna na goeddunke, maar onderworpe aan enige regulasies wat die Minister uitvaardig, sodanige besitters as aptekers kragtens hierdie Wet laat registreer: Met dien verstande dat iemand wat ingevolge hierdie artikel as 'n apteker geregistreer is, slegs geregtig is om as sodanig te praktiseer—

PHARMACY ACT, 1974.

Act No. 53, 1974

(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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

- (a) vir 'n aanvanklike tydperk van hoogstens vyf jaar en daarna vir die tydperk of tydperke wat die raad bepaal;
 (b) in die gebied of gebiede wat die raad bepaal; en
 (c) onderworpe aan die beperkinge ten opsigte van sy professionele aktiwiteite wat die raad bepaal.

Erkenning van kwalifikasies deur 'n Suid-Afrikaanse burger buite die Republiek verwerf, vir die doeleindes van registrasie as 'n apteker.

Besitters van kwalifikasies buite die Republiek verwerf, word slegs as aptekers geregistreer nadat hulle in 'n sekere toets geslaag het.

Praktiese opleiding 'n voorver-eiste vir registrasie as 'n apteker.

Registrasie van ongekwalifiseerde assistente.

Regspersoon wat as apteker sake doen.

18. 'n Suid-Afrikaanse burger wat in die Republiek gedomiseerde was toe hy met sy farmaseutiese studies begin het en daardie studies aan 'n inrigting buite die Republiek voltooi het, kan, behoudens die bepalings van artikel 19, sonder verdere eksamen as 'n apteker geregistreer word indien hy 'n graad, diploma of sertifikaat bedoel in artikel 16 of 17 of enige ander kwalifikasies wat die Minister op aanbeveling van die raad van tyd tot tyd voorskryf, besit.

19. Ondanks andersluidende bepalings in hierdie Wet word niemand wat sy professionele kwalifikasies buite die Republiek verwerf het, as 'n apteker geregistreer nie tensy hy tot bevrediging van die raad geslaag het in 'n toets, opgestel deur eksaminatore deur die raad aangestel, wat sy kennis bepaal van die wette van die Republiek wat op farmaseutiese praktyk en die beoefening van die aptekersberoep betrekking het.

20. (1) Ondanks andersluidende bepalings in hierdie Wet word niemand wat 'n graad, diploma of sertifikaat bedoel in artikel 15 verwerf het, kragtens hierdie Wet as 'n apteker geregistreer nie tensy hy, tot bevrediging van die raad en behoudens die regulasies, vir 'n tydperk van minstens een jaar of tydperke van minstens een jaar altesaam—

- (a) die voorgeskrewe praktiese opleiding by 'n apteker in die Republiek ondergaan het in 'n apteek wat deur die raad goedgekeur is en uit hoofde van 'n opleidingskontrak wat by die registerateur ingedien is en deur die raad goedgekeur is voor die aanvang van sodanige opleiding; of
 (b) praktiese opleiding by 'n apteker in 'n voorgeskrewe land ondergaan het.

(2) 'n Kwekeling-apteker word by die toepassing van hierdie Wet geag 'n apteker te wees gedurende die twaalfde maand van die tydperk of tydperke van praktiese opleiding bedoel in subartikel (1).

21. Iemand wat of erkenning verkry het vir die eerste en tweede jaar van studie vir 'n graad of diploma in farmasie aan 'n inrigting wat deur die raad goedgekeur is en wat as 'n apteker-student geregistreer is, of wat vir die tydperk wat die raad bepaal ingevolge die bepalings van artikel 27 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as 'n ingeboekte leerling by 'n apteker in die Republiek gedien het, kan, by betaling van die voorgeskrewe geld, as 'n ongekwalifiseerde assistente geregistreer word.

22. (1) Ondanks andersluidende bepalings in hierdie Wet kan 'n regspersoon op die volgende voorwaardes, maar nie anders nie, in die Republiek as 'n apteker sake doen—

- (a) die regspersoon moet as die besturende direkteur van sy saak in die Republiek 'n apteker hê wat in die Republiek woon en wat, behoudens die bepalings van subartikel (4), nie werksaam is nie in 'n aptekerssaak wat nie aan bedoelde regspersoon, of alleen of in vennootskap met 'n ander persoon, behoort nie;
 (b) die raad kan enige registrasie bedoel in artikel 14 (1) (e) en 'n sertifikaat uitgereik ten opsigte daarvan intrek—
 (i) indien die besturende direkteur bedoel in paraagraaf (a) ophou om te voldoen aan die vereistes

PHARMACY ACT, 1974.

Act No. 53, 1974

- (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.

- 19.** Notwithstanding anything to the contrary contained in this Act 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.

- 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—

- (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.

- 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—

- (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

Wet No. 53, 1974

WET OP APTEKERS, 1974.

- wat in daardie paragraaf uiteengesit is of ophou om besturende direkteur van die regspersoon se aptekersaak in die Republiek te wees of om as sodanig op te tree;
- (ii) indien die raad na 'n ondersoek gehou kragtens artikel 39 bevind dat 'n direkteur van die regspersoon 'n bepaling van hierdie Wet oortree het;
 - (iii) as die regspersoon, ingevolge paragraaf (c), ophou om geregtig te wees om as 'n apteker sake te doen; of
 - (iv) indien die regspersoon na die inwerkingtreding van hierdie Wet die geheel of 'n deel van sy belang in die kleinhandelsaptekersaak ten opsigte waarvan hy kragtens artikel 14 (1) (e) geregistreer is, aan 'n ander persoon as 'n apteker vervreem of indien na bedoelde inwerkingtreding 'n ander persoon as 'n apteker 'n aandeelhouding verky in die regspersoon wat as 'n kleinhandelsapteker sake doen;
- (c) 'n regspersoon doen nie sake as 'n apteker nie tensy hy in besit is van 'n geldige sertifikaat, bedoel in paragraaf (b), van sy registrasie en die registrasie van sy besturende direkteur, en tensy die persoon wat as besturende direkteur geregistreer is inderdaad die saak van die regspersoon bestuur en voldoen aan die vereistes wat in paragraaf (a) ten opsigte van so 'n besturende direkteur uiteengesit is: Met dien verstande dat indien—
- (i) bedoelde persoon ophou om die besturende direkteur van die regspersoon te wees of as sodanig op te tree of ophou om inderdaad die saak van die regspersoon te bestuur of om watter rede ook al nie in staat is om as sodanig op te tree nie, of ophou om te voldoen aan die vereistes uiteengesit in paragraaf (a), of as bedoelde sertifikaat ingetrek word, die regspersoon nietemin kan voortgaan om as 'n apteker sake te doen vir 'n tydperk van dertig dae vanaf die tydstip waarop daardie persoon aldus ophou om besturende direkteur te wees of as sodanig op te tree of om die saak van die regspersoon te bestuur of waarop hy nie meer in staat is om as sodanig op te tree nie of vanaf die kennisgewing aan die regspersoon van bedoelde intrekking, na gelang van die geval;
 - (ii) enige ander direkteur ophou om sy amp te beklee, of 'n nuwe direkteur aangestel word, die regspersoon binne dertig dae vanaf die tydstip van daardie ampsontruiming of aanstelling die registrateur in kennis moet stel van die naam van die direkteur wat sy amp ontruim het of die naam en adres van die nuwe direkteur wat vir die regspersoon aangestel is;
 - (d) elke apteek waarin so 'n regspersoon sake doen, moet gedryf word onder die voortdurende persoonlike toesig van 'n apteker wie se naam op 'n opvallende wyse bo die hoofgang van daardie apteek aangebring moet wees;
 - (e) die regspersoon, indien hy as kleinhandelsapteker sake doen, moet onmiddellik voor die inwerkingtreding van hierdie Wet as sodanig sake gedoen het.
- (2) Die besturende direkteur bedoel in subartikel (1) (a) is teenoor die raad verantwoordelik vir 'n handeling deur of namens die betrokke regspersoon verrig 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 himself in diens van die regspersoon.
- (a) copies of copy will be delivered to the

PHARMACY ACT, 1974.

Act No. 53, 1974

- 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 of 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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(3) 'n Oortreding van 'n bepaling van hierdie artikel of 'n versuim om daaraan te voldoen, of 'n weiering of versuim om 'n navraag deur of namens die raad gedoen aangaande die naam van die besturende direkteur of 'n ander direkteur van, of van 'n ander persoon in diens van, 'n regspersoon bedoel in hierdie artikel, te beantwoord, maak 'n misdryf uit en iemand is by skuldigbevinding daaraan strafbaar met 'n boete van hoogstens vyfhonderd rand.

(4) Die besturende direkteur van 'n regspersoon wat ingevolge hierdie artikel geregtig is om as 'n apteker sake te doen, kan 'n direkteur (uitgesonderd 'n besturende direkteur) van 'n ander sodanige regspersoon wees: Met dien verstande dat hy nie ten opsigte van die regspersoon waarvan hy nie 'n besturende direkteur is nie '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, mag verrig nie.

(5) 'n Regspersoon wat wens om geregistreer te word as 'n regspersoon wat geregtig is om as 'n apteker sake te doen, moet op die voorgeskrewe wyse, met vermelding van die voorgeskrewe besonderhede, by die raad om sodanige registrasie aansoek doen.

Skrapping van
naam uit, en
terugplasing
daarvan op, register.

23. (1) Die raad kan die registrateur gelas om uit die register die naam van 'n persoon te skrap—

- (a) wat gedurende die drie jaar wat die skrapping voorafgaan, uit die Republiek afwesig was;
- (b) wat versuim het om die registrateur binne 'n tydperk van drie maande vanaf die datum van 'n navraag wat deur die registrateur per aangetekende brief na die adres wat in die register verskyn ten opsigte van daardie persoon, gestuur is, van sy huidige adres in kennis te stel;
- (c) wat versoek het dat sy naam uit die register geskrap word, in welke geval van so 'n persoon vereis kan word om by die registrateur 'n beëdigde verklaring in te dien met die strekking dat geen tug- of strafregtelike stappe teen hom gedoen word of waarskynlik gedoen sal word nie;
- (d) wat versuim het om binne drie maande vanaf die datum waarop dit betaalbaar geword het, aan die raad enige voorgeskrewe jaarlike geld te betaal;
- (e) wat versuim het om binne 'n tydperk wat deur die raad bepaal moet word die inligting aan die registrateur te verstrek wat die registrateur ingevolge regulasies uitgevaardig kragtens hierdie Wet kan vereis; of
- (f) wie se naam geskrap is uit die register, stukke of rol van 'n universiteit, kollege, genootskap of ander liggaaam waarvan daardie persoon die kwalifikasie uit hoofde van die besit waarvan hy geregistreer is, ontvang het.

(2) Kennis van die skrapping van sy naam uit die register ingevolge subartikel (1) of van die skrapping, ingevolge artikel 14 (4), van 'n inskrywing uit die register, moet deur die registrateur aan die betrokke persoon gegee word deur middel van 'n aangetekende brief aan bedoelde persoon geadresseer na die adres wat ten opsigte van hom in die register verskyn en daardie persoon moet, vanaf die datum waarop kennis aldus gegee is, ophou om as 'n apteker te praktiseer of om enige handeling te verrig wat hy, in sy hoedanigheid van 'n geregistreerde persoon, geregtig was om te verrig, en enige registrasiesertifikaat aan hom uitgereik, word geag ingetrek te wees, tot tyd en wyl sy naam of die inskrywing wat ingevolge artikel 14 (4) uit die register geskrap is, na gelang van die geval, op die register teruggeplaas word.

(3) Die naam van 'n persoon wie se naam ingevolge hierdie artikel uit die register geskrap is of 'n inskrywing wat ingevolge artikel 14 (4) uit die register geskrap is, moet deur die registrateur op die register teruggeplaas word indien die betrokke persoon—

PHARMACY ACT, 1974.

Act No. 53, 1974.

(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—

Wet No. 53, 1974

WET OP APTEKERS, 1974.

Appèl teen
weiering om te
registreer of teen
skrapping van
naam uit register.

Uitgee van
registers.

Register as bewys.

Uitreiking van
duplikaat-regis-
trasiessertifikaat,
uittreksel uit
register of sertifi-
kaat deur
registerateur.

- (a) op die voorgeskrewe vorm om sodanige terugplasing aansoek doen;
- (b) die gelde betaal wat ten opsigte van sodanige terugplasing voorgeskryf is (indien daar is); en
- (c) aan die ander vereistes voldoen wat deur die raad bepaal word.

24. (1) Iemand wat hom veronreg voel deur die raad se besluit—

- (a) om te weier om hom te registreer of om in die toepaslike register 'n graad, diploma, sertifikaat of addisionele kwalifikasie in te skryf wat hy ingevolge die bepalings van hierdie Wet wens om, en aanvoer hy geregtig is om, aldus ingeskryf te hê; of
- (b) om sy naam of 'n graad, diploma, sertifikaat of addisionele kwalifikasie wat hy aanvoer hy ingevolge die bepalings van hierdie Wet geregtig is om in die register ingeskryf te hê, uit die register te skrap, kan, na kennisgewing aan die raad en binne 'n tydperk van twee maande na die datum van bedoelde besluit, na die provinsiale of plaaslike afdeling van die Hooggereghof van Suid-Afrika watregsbevoegdheid het in die gebied waarin die appellant gewoonlik woonagtig is, teen daardie besluit appelleer.

(2) Die hof kan bedoelde appèl van die hand wys of, indien hy van oordeel is dat die raad nie ooreenkomsdig die bepalings van hierdie Wet gehandel het nie, 'n bevel gee teenoorgesteld aan die besluit van die raad of wat die besluit van die raad wysig of hy kan die saak vir verdere oorweging na die raad terugverwys of die ander bevel gee, met inbegrip van 'n bevel aangaande koste, wat hy doelmatig ag.

25. Die registrator moet, by tussenpose wat die raad bepaal en ooreenkomsdig die opdragte en op gesag van die raad, eksemplare van die registers, of van aanvullende lyste wat aantoon alle wysings, toevoegings, hersienings en skrappings gedoen sedert die laaste uitgawe van die volledige registers, laat druk en uitgee.

26. 'n Eksemplaar van die jongste gepubliseerde uitgawe van 'n register of 'n aanvullende lys wat heet gedruk en uitgegee te wees op gesag van die raad, is in alle regsgedinge *prima facie*-bewys van die feite daarin aangeteken, en die afwesigheid van iemand se naam uit so 'n eksemplaar is bewys, totdat die teen-deel bewys word, dat so iemand nie ooreenkomsdig die bepalings van hierdie Wet geregistreer is nie: Met dien verstande dat in die geval van iemand wie se naam—

- (a) nie in so 'n eksemplaar verskyn nie, of wie se naam tot die register toegevoeg is na die datum van die jongste gepubliseerde uitgawe daarvan, 'n gesertifiseerde afskrif, deur die registrator onderteken, van die inskrywing van die naam van daardie persoon in die register, bewys is daarvan dat bedoelde persoon kragtens die bepalings van hierdie Wet geregistreer is;
- (b) uit die register geskrap is sedert die datum van die jongste gepubliseerde uitgawe daarvan en nie daarop teruggeplaas is nie, 'n sertifikaat, deur die registrator onderteken, dat die naam van daardie persoon uit die register geskrap is, bewys is daarvan dat bedoelde persoon nie ooreenkomsdig die bepalings van hierdie Wet geregistreer is nie.

27. (1) Indien die registrator oortuig is—

- (a) nadat bewys deur die betrokke geregistreerde persoon voorgelê is, dat 'n registrasiessertifikaat vernietig is; of
- (b) op grond van 'n beëdigde verklaring deur die betrokke geregistreerde persoon voorgelê, dat 'n registrasiessertifikaat verlore geraak het,

kan hy by betaling van die voorgeskrewe gelde 'n duplikaat-registrasiessertifikaat aan daardie persoon uitreik.

PHARMACY ACT, 1974.

Act No. 53, 1974

- (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—

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

- (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,

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

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(2) Die registrator kan by betaling van die voorgeskrewe gelde 'n gesertifiseerde uittreksel uit die register of 'n sertifikaat deur hom onderteken soos in artikel 26 bepaal aan enigiemand uitreik.

Registrasie en gebruik van addisionele kwalifikasies.

28. (1) Die Minister kan van tyd tot tyd op aanbeveling van die raad die grade, diplomas of sertifikate voorskryf wat as addisionele kwalifikasies geregistreer kan word en slegs kwalifikasies wat aldus voorgeskryf is, kan kragtens hierdie artikel geregistreer word.

(2) Iedereen wat 'n ander graad, diploma of sertifikaat geregistreer wil hê as die graad, diploma of sertifikaat op grond waarvan hy in die eerste plek geregistreer is, moet by die registrator aansoek doen en die dokumentêre bewys dat hy die betrokke addisionele kwalifikasie besit, voorlê wat deur die raad vereis word, en indien die registrator oortuig is dat bedoelde addisionele kwalifikasie 'n graad, diploma of sertifikaat is wat ingevolge subartikel (1) voorgeskryf is, laat hy, by betaling van die voorgeskrewe gelde, daardie graad, diploma of sertifikaat in die register inskryf.

(3) Geen geregistreerde persoon mag op enige wyse hoegegaamd 'n naam, titel, beskrywing of teken aanneem, gebruik of bekend maak wat aandui of iemand sou kan laat aflei dat hy 'n professionele kwalifikasie besit wat nie ten opsigte van sy naam in die register verskyn nie.

(4) Die registrator kan, in opdrag van die raad, 'n graad, diploma of sertifikaat wat ingevolge hierdie artikel as 'n addisionele kwalifikasie geregistreer is, uit die register skrap indien ten opsigte van daardie kwalifikasie die naam van die besitter daarvan geskrap is uit die rol, register of stukke van die universiteit, kollege, genootskap of ander liggaam waarvan daardie persoon daardie kwalifikasie ontvang het.

Strawwe vir voor doen of praktiseer as 'n apteker terwyl ongeregistreer.

29. (1) Behoudens die bepalings van subartikel (3) is iemand wat, terwyl hy nie as 'n apteker geregistreer is nie—

(a) vir wins as 'n apteker praktiseer, of as 'n apteker sake doen of vir wins 'n handeling verrig wat by uitstek by die beroep van 'n apteker tuishoort; of
 (b) voorgee 'n apteker te wees of op enige wyse hoegegaamd homself as sulks voordoen (hetsy hy voorgee geregistreer te wees al dan nie), of die naam van apteker of enige naam, titel, beskrywing of teken gebruik wat aandui of iemand sou kan laat aflei dat hy 'n graad of diploma of ander farmaseutiese kwalifikasie besit of dat hy kragtens hierdie Wet geregistreer is of die uitdrukking „apteek” of „aptekerswinkel” of „medisynewinkel” of enige ander uitdrukking met 'n dergelike betekenis gebruik om sy sakebedrywigheede of -perseel te beskrywe,
 aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf.

(2) Die volgende handelinge word by die toepassing van subartikel (1) geag handelinge te wees wat by uitstek by die beroep van 'n apteker tuishoort—

(a) die bewerking, voorbereiding of aanmaak van medisyne of 'n medisinale of skeikundige stof (hetsy dit 'n vergif bevat al dan nie) vir verkoop of verskaffing as medisyne;
 (b) die aanmaak of verkoop of verskaffing—
 (i) van medisyne volgens voorskrif van 'n geneesheer of tandarts; of
 (ii) van 'n skeikundige stof volgens voorskrif van 'n veearts;
 (c) die vervaardiging of die toesig oor die vervaardiging van medisyne.

PHARMACY ACT, 1974.

Act No. 53, 1974

(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.

(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—

- (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.

Registration and
use of additional
qualifications.

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

Wet No. 53, 1974**WET OP APTEKERS, 1974.**

- (3) Die bepalings van subartikels (1) en (2) belet nie—
 (a) die aanhou van medisyne of die verskaffing van medisyne aan sy eie pasiënte deur 'n geneesheer, tandarts of veearts nie;
 (b) die in diens hê onder die toesig van 'n apteker—
 (i) van 'n kwekeling-apteker in die apieke waarin hy sy praktiese opleiding ondergaan nie;
 (ii) van 'n ongekwalifiseerde assistent nie;
 (c) die vervaardiging of verpakking vir menslike gebruik van medisyne of 'n medisinale of skeikundige stof deur 'n in subartikel (4) bedoelde persoon, kragtens 'n permit ingevolge daardie subartikel verleen nie;
 (d) die hantering van medisyne of die verskaffing van medisyne aan lede van die weermag deur lede van die geneeskundige diens van die weermag onder die toesig van 'n geneesheer of apteker nie mits sodanige lede van bedoelde geneeskundige diens daarvoor opgelei is;
 (e) die aanhou van medisyne en die verskaffing daarvan aan pasiënte in hospitale of ander inrigtings vir die behandeling van siekes, op aanwysing van 'n geneesheer en ooreenkomsdig die bepalings van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, deur iemand wat kragtens die Wet op Verpleging, 1957 (Wet No. 69 van 1957), geregistreer of ingeskrywe is nie;
 (f) die aanhou van medisyne en die verskaffing daarvan deur 'n persoon of organisasie wat 'n gesondheidsdiens verrig en wat skriftelik deur die Sekretaris van Gesondheid handelende na oorlegpleging met die raad, daar toe gemagtig is om medisyne vir die verrigting van so 'n diens te verkry nie.
 (4) Die Minister kan na oorlegpleging met die raad aan 'n persoon wat nie kragtens hierdie Wet geregistreer is nie 'n permit uitrek waarby daardie persoon gemagtig word om, onderworpe aan die voorwaardes wat in daardie permit uiteengesit word, die medisyne of medisinale of skeikundige stof in die permit vermeld vir menslike gebruik te vervaardig of te verpak.

Straf op vals voorstelling wat aanleiding gee tot registrasie, op vals inskrywing in register en op identiteitsbedrog.

30. Iemand wat —

- (a) deur middel van 'n vals voorstelling, hetsy mondeling of skriftelik, sy eie of iemand anders se registrasie kragtens hierdie Wet bewerkstellig of poog te bewerkstellig of 'n sertifikaat, lisensie, permit, bestelling of voorskrif bedoel in hierdie Wet verkry of poog te verkry, of aan iemand hulp verleen by die doen daarvan; of
 (b) 'n ongemagtigde inskrywing of wysiging in of skrapping uit 'n register of 'n gesertifiseerde afskrif daarvan of uittreksel daaruit of op 'n kragtens hierdie Wet uitgereikte sertifikaat maak of laat maak; of
 (c) 'n inskrywing in 'n register of, sonder die toestemming van die besitter daarvan, 'n sertifikaat kragtens hierdie Wet uitgereik opsetlik vernietig of beskadig of onleesbaar maak of laat vernietig, beskadig of onleesbaar maak; of
 (d) 'n dokument wat heet 'n kragtens hierdie Wet uitgereikte sertifikaat te wees, vervals of, wetende dat dit vervals is, uitgee; of
 (e) voorgee iemand anders te wees wat kragtens hierdie Wet geregistreer is,
 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand.

Bewysslas.

31. (1) In 'n strafsaak teen iemand wat verskyn op aanklag daarvan dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet uitmaak indien verrig deur iemand wat nie geregistreer is nie of wat nie in besit is van 'n dokument in die aanklag vermeld nie, word die beskuldigde geag nie geregistreer of

PHARMACY ACT, 1974.

Act No. 53, 1974

- (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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

Beperkings ten opsigte van ongeregistreerde persone en bewys vereis vir uitreiking van lisensies.

nie in besit van bedoelde dokument te gewees het nie ten tyde van die pleging van die beweerde misdryf, tensy hy die teendeel bewys.

(2) In 'n strafsaak teen iemand wat verskyn op aanklag daarvan dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet uitmaak indien deur hom vir wins verrig, word die beskuldigde geag daardie handeling vir wins te verrig het indien hy enige teenprestasie ten opsigte van daardie handeling aanvaar het.

32. (1) Geen vergoeding kan ten opsigte van 'n handeling wat by uitstek by die beroep van 'n apteker tuishoort, ingevorder word nie indien dit verrig word deur 'n persoon wat nie kragtens hierdie Wet gemagtig is om so 'n handeling vir wins te verrig nie.

(2) Behoudens die bepalings van artikel 29 (3), is niemand behalwe 'n geregistreerde persoon wat die nodige kwalifikasies besit, benoembaar of geregtig daarop om 'n amp te beklee by enige instelling, inrigting, liggaam, organisasie of vereniging, hetsy openbaar of privaat, nie indien daardie amp die verrigting van 'n handeling behels wat 'n ongeregistreerde persoon nie vir wins mag verrig nie.

(3) Geen lisensie wat deur 'n apteker verkry moet word, word uitgereik deur die gesag wat by wet gemagtig word om so 'n lisensie uit te reik nie, tensy die persoon wat om so 'n lisensie aansoek doen 'n registrasiesertifikaat of gesertifiseerde uittreksel uit die register, in artikel 27 (2) bedoel, voorlê as bewys dat hy as 'n apteker geregistreer is.

Raad kan beheer oor farmaseutiese opleiding uitoefen en eksamens afneem.

HOOFTUK III BEHEER OOR FARMASEUTIESE OPLEIDING

33. (1) Geen persoon of opvoedkundige inrigting mag 'n opleidingskursus in farmacie aanbied nie tensy daardie opleiding deur die raad goedgekeur is.

(2) Die raad kan aan iemand wat voor eksaminatore wat deur die raad aangestel is, tot bevrediging van die raad in eksamens geslaag het en wat aan die ander vereistes voldoen het wat voorgeskryf word, 'n diploma in farmacie toeken wat aan die besitter daarvan die reg verleen op registrasie as 'n apteker ingevolge die bepalings van hierdie Wet.

(3) Die raad kan iemand aanstel om die eksamens in farmacie wat afgeneem word deur 'n universiteit of ander inrigting waarvan die grade, diplomas of sertifikate ingevolge artikel 15 voorgeskryf is, by te woon en oor daardie eksamens aan die raad verslag te doen.

(4) Iedere universiteit of ander inrigting waarvan die grade, diplomas of sertifikate ingevolge artikel 15 voorgeskryf is, moet aan die raad op sy versoek die inligting verstrek betreffende ingeskreve studentetal, leerplanne en sillabusse, eksamens, toelatingsvereistes en enige aanverwante saak, wat van tyd tot tyd deur die raad vereis word.

(5) Indien 'n in subartikel (4) bedoelde universiteit of ander inrigting versium of weier om enige inligting wat kragtens daardie subartikel deur die raad aangevra word, te verstrek, of indien dit vir die raad duidelik word dat 'n bepaling van hierdie Wet nie deur so 'n universiteit of inrigting behoorlik nagekom word nie en dat bedoelde onbehoorlike nakoming 'n nadelige uitwerking op die standaard van farmaseutiese opleiding wat aan daardie universiteit of inrigting gehandhaaf word, het of kan hê, kan die Staatspresident op aanbeveling van die raad by proklamasie in die *Staatskoerant* verklaar dat 'n vermelde graad, diploma of sertifikaat wat deur daardie universiteit of inrigting toegeken word na 'n datum in die proklamasie vermeld, nie aan 'n besitter daarvan die reg verleen op registrasie kragtens hierdie Wet nie.

PHARMACY ACT, 1974.

Act No. 53, 1974

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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(6) Die Staatspresident kan, wanneer dit op grond van vertoë deur die raad gerig vir hom duidelik is dat bevredigende voorsiening deur 'n universiteit of inrigting gemaak is om, ten opsigte van 'n graad, diploma of sertifikaat wat die onderwerp van 'n kragtens subartikel (5) uitgevaardigde proklamasie uitmaak, aan die vereistes van hierdie Wet te voldoen, genoemde proklamasie intrek.

(7) 'n Graad, diploma of sertifikaat vermeld in 'n proklamasie uitgevaardig kragtens subartikel (5) wat deur die universiteit of inrigting waarop bedoelde proklamasie betrekking het tussen die datum in daardie proklamasie vermeld en die datum van intrekking van daardie proklamasie toegeken is, verleen nie aan die besitter daarvan 'n reg op registrasie kragtens hierdie Wet nie.

Ondersoek van sake wat betrekking het op die onderrig of opleiding van sekere kategorieë van persone.

34. (1) Ondanks andersluidende wetsbepalings kan iemand wat skriftelik deur die raad gemagtig is om 'n saak te ondersoek wat betrekking het op die onderrig of opleiding van 'n kategorie van persone wat kragtens hierdie Wet geregistreer is, enige inrigting of perseel wat gebruik word in verband met die onderrig of opleiding van so 'n kategorie van persone, binnegaan ten einde so 'n ondersoek te doen.

(2) Iemand wat 'n kragtens subartikel (1) gemagtigde persoon verhinder om 'n inrigting of perseel in daardie subartikel bedoel, binne te gaan of wat hom by die instelling van 'n in daardie subartikel beoogde ondersoek daarin of daarop hinder, is aan 'n misdryf skuldig.

HOOFTUK IV

DRYF VAN APTEKERSPRAKTYK

Aptek moet onder voortdurende persoonlike toesig van 'n apteker staan.

35. (1) Iedere aptek moet gedryf word onder die voortdurende persoonlike toesig van 'n apteker wie se naam op 'n opvallende wyse bo die hoofingang van daardie aptek aangebring moet wees.

(2) Behoudens die bepalings van artikel 22 is 'n lid van 'n vennootskap, vereniging of ander genootskap van persone waarvan die lede nie elkeen afsonderlik as 'n apteker geregistreer is nie, wat ten opsigte van bedoelde vennootskap, vereniging of genootskap van persone enige naam, titel, beskrywing, teken of beskrywende uitdrukking bedoel in artikel 29 (1) gebruik, skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf: Met dien verstande dat die gebruik van 'n naam, titel, beskrywing, teken of beskrywende uitdrukking wat onmiddellik voor die inwerkingtreding van hierdie Wet wettiglik ten opsigte van so 'n vennootskap, vereniging of ander genootskap van persone gebruik is, voortgesit kan word vir 'n tydperk wat die Minister, na oorlegpleging met die raad, bepaal en wat in die *Staatskoerant* bekend gemaak word.

Beperking ten opsigte van handelsnaam.

36. (1) Behoudens die bepalings van subartikels (2) en (3) mag niemand sake doen as 'n apteker, hetsy alleen of in vennootskap met iemand anders, onder 'n naam, titel of beskrywing wat die familienaam van 'n natuurlike persoon, hetsy in lewe of oorlede, is of dit in enige vorm insluit nie, indien die gebruik van daardie naam, titel of beskrywing bereken is om persone onder die indruk te bring of hulle waarskynlik onder die indruk sal bring dat iemand met daardie familienaam aan die betrokke aptekersaak verbonden is of was.

(2) Die bepalings van subartikel (1) belet nie—
 (a) die insluiting in die naam, titel of beskrywing van 'n aptekersaak van die familienaam van 'n eienaar daaroorlopend van, of, in die geval van so 'n saak wat geheel die eiendom is van 'n regspersoon bedoel in artikel 22, van of toestand die familienaam van 'n direkteur daarvan wat 'n apteker is nie;

PHARMACY ACT, 1974.

Act No. 53, 1974

(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.

(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.

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

(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.

Pharmacy to be
under continuous
personal super-
vision of a
pharmacist.

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;

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(b) die gebruik ten opsigte van 'n aptekerssaak van 'n naam, titel of beskrywing waaronder daardie saak onmiddellik voor die inwerkingtreding van hierdie Wet wettiglik gedryf is nie.

(3) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van 'n apteker wie se sakebedrywighede uitsluitlik uit die vervaardiging van medisyne en die verkoop daarvan aan aptekers of handelaars bestaan, en wat nie as 'n kleinhandelsapteker sake doen nie.

(4) Iemand wat enige van die bepalings van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf.

Voortsetting van die saak van 'n apteker deur eksekuteur, kurator of likwidateur.

37. Ondanks andersluidende bepalings in hierdie Wet—

(a) kan die eksekuteur van die bestorwe boedel van 'n apteker, behoudens die wette op die administrasie van boedels, vir 'n tydperk van hoogstens vyf jaar na die datum van die dood van daardie apteker en vir die bykomende tydperk wat na goeddunke deur die raad toegelaat word, die aptekerssaak van die oorledene voortsit, mits dit gedryf word onder die voortdurende persoonlike toesig van 'n apteker;

(b) kan die kurator van die insolvente boedel van 'n apteker of die likwidateur van 'n regspersoon wat sake doen as 'n apteker, behoudens die wette op insolvensie of op maatskappye, na gelang van die geval, vir 'n tydperk van hoogstens twaalf maande na die datum van die finale sekwestrasiebevel ten opsigte van bedoelde insolvente boedel of die finale likwidiasiebevel ten opsigte van bedoelde regspersoon, na gelang van die geval, die aptekerssaak van daardie apteker of regspersoon voortsit, mits dit gedryf word onder die voortdurende persoonlike toesig van 'n apteker;

(c) kan die kurator van die boedel van 'n apteker wat by bevel van 'n bevoegde hof onbevoeg verklaar is om sy eie sake te behartig, behoudens die wette op geestesgesondheid, vir 'n tydperk van hoogstens twaalf maande na die datum van bedoelde bevel en vir die bykomende tydperk wat na goeddunke deur die raad toegelaat word, die aptekerssaak van daardie apteker voortsit, mits dit onder die voortdurende persoonlike toesig van 'n apteker gedryf word.

Beperking van die praktyk van, of skorsing van, geregistreerde persoon.

38. (1) Wanneer dit vir die raad duidelik is dat iemand wat kragtens hierdie Wet geregistreer is—

(a) verstandelik of liggamlik in so 'n mate onbekwaam geword het dat dit vir die openbare belang nadelig sou wees om hom toe te laat om sy praktyk voort te sit;

(b) ongesik geword het om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, te bestel, te verskaf of te besit;

(c) 'n gelyste stof gereeld vir ander doeleinades behalwe as geneesmiddel soos in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, omskryf, gebruik het; of

(d) aan die gebruik van 'n gelyste stof verslaaf geraak het, moet die raad die saak laat ondersoek en kan die raad, indien hy dit nodig ag, 'n ondersoek *mutatis mutandis* ooreenkomsdig die bepalings van artikel 40 en die regulasies uitgevaardig kragtens artikel 49 (1) (o), ten opsigte van daardie persoon hou.

PHARMACY ACT, 1974.

Act No. 53, 1974

(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—

(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—

(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.

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

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

Wet No. 53, 1974.

WET OP APTEKERS, 1974.

(2) Indien die raad bevind, nadat hy 'n ondersoek ingevolge subartikel (1) gehou het, dat enige van die omstandighede beoog in paragraaf (a), (b), (c) of (d) van daardie subartikel ten opsigte van die betrokke persoon bestaan, kan hy by bevel—

(a) in die geval van 'n persoon ten opsigte van wie die omstandighede beoog in paragraaf (a) van subartikel (1) bestaan—

(i) daardie persoon vir 'n bepaalde tydperk skors in die beoefening van sy beroep of die verrigting van 'n handeling wat by uitstek by sy beroep tuishoort; of

(ii) die voorwaardes oplê wat hy goedvind, onderworpe waaraan daardie persoon geregtig sal wees om voort te gaan met die beoefening van sy beroep; of

(b) in die geval van 'n persoon ten opsigte van wie enige van die omstandighede beoog in paragraaf (b), (c) of (d) van subartikel (1) bestaan—

(i) aan daardie persoon enige van die strawwe bedoel in artikel 45 (1) oplê;

(ii) daardie persoon vir 'n bepaalde tydperk verbied om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, toe te berei, te bestel, te verskaf of te besit; of

(iii) die voorwaardes wat hy goedvind vir 'n bepaalde tydperk oplê onderworpe waaraan daardie persoon geregtig sal wees om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, toe te berei, te bestel, te verskaf of te besit.

(3) Die raad kan die geldingsduur van 'n bevel wat hy kragtens subartikel (2) uitgereik het, vir 'n tydperk wat hy bepaal, verleng of so 'n bevel intrek of op enige ander manier wysig.

(4) Die bepalings van artikel 47 is ten opsigte van 'n persoon wat uit hoofde van 'n bepaling van subartikel (2) geskors is, van toepassing.

(5) 'n Kragtens hierdie Wet geregistreerde persoon wat 'n bevel wat kragtens subartikel (2) uitgereik is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

HOOFSTUK V

TUGBEVOEGDHEDE VAN DIE RAAD

Ondersoek deur die raad na beskuldigings van wangedrag.

39. (1) Die raad is bevoeg om ondersoek in te stel na 'n klage, beskuldiging of bewering van onbetaamlike of skandelike gedrag teen 'n persoon wat kragtens hierdie Wet geregistreer is en om, by skuldbevinding van so 'n persoon aan sodanige gedrag, enige van die in artikel 45 (1) voorgeskrewe strawwe op te lê.

(2) Indien die raad daaroor twyfel of 'n ondersoek gehou behoort te word, kan hy in verband met die betrokke klage, beskuldiging of bewering oorleg pleeg met of inligting inwin van enige persoon, met inbegrip van die persoon teen wie die klage of beskuldiging ingebring of die bewering gemaak is.

(3) Die raad kan in die geval van 'n klage, beskuldiging of bewering wat die onderwerp van 'n strafsaak in 'n geregshof uitmaak of waarskynlik sal uitmaak, die hou van 'n ondersoek uitstel totdat daardie saak afgehandel is.

(4) Die raad kan iemand met voldoende ondervinding van die regspleging aanstel om as assessor teenwoordig te wees by 'n ondersoek wat kragtens hierdie Hoofstuk deur die raad gehou word en hom in verband met regsvrae, procedure of bewyslewering van advies te dien.

Procedure vir die hou van 'n ondersoek.

40. (1) (a) Die raad kan, vir die doeleindes van 'n ondersoek wat ingevolge artikel 39 gehou word, getuenis afneem en onder die handtekening van die president of die registerieur getuies dagvaar en die voorlegging van

PHARMACY ACT, 1974.

Act No. 53, 1974

(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

Wet No. 53, 1974

WET OP APTEKERS, 1974.

-dus so eenige boek, aantekening, dokument of voorwerp eis en kan deur die president 'n getuie 'n eed ople of 'n bevestiging van hom aanneem en kan 'n boek, aantekening, dokument of voorwerp waarvan die voerlegging van 'n getuie vereis is, ondersoek.

(b) 'n Dagvaarding om as 'n getuie voor die raad te verskyn, of om 'n boek, aantekening, dokument of voorwerp daarvan voor te lê, moet so na as moontlik in die voorgeskrewe vorm wees, deur die president of die registrator onderteken wees en bestel word of deur versending per pos in 'n aangetekende brief of op dieselfde wyse as dié waarop dit bestel sou gewees het indien dit 'n getuijedagvaarding was wat deur 'n landdroshof uitgereik is.

(c) Iedereen wat ingevolge hierdie subartikel gedagvaar word, is verplig om die dagvaarding te gehoorsaam en iemand wat, nadat hy behoorlik gedagvaar is—

(i) weier, of sonder genoegsame rede versuim om op die in die dagvaarding vermelde tyd en plek aanwesig te wees en by die ondersoek tersaaklike getuenis te lewer;

(ii) weier om die eed of 'n bevestiging af te lê wanneer hy deur die president versoek word om dit te doen;

(iii) weier om 'n boek, aantekening, dokument of voorwerp voor te lê wat hy ingevolge die dagvaarding verplig is om voor te lê; of

(iv) voor die raad verskyn en weier om 'n vraag wettiglik aan hom gestel te beantwoord of volledig en bevredigend na sy beste wete en oortuiging te beantwoord,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand: Met dien verstande dat iedereen wat aldus gedagvaar is, op al die privileges geregtig is waarop 'n getuie wat gedagvaar is om voor 'n provinsiale afdeling van die Hooggereghof getuenis af te lê, geregtig is.

(2) Aan iedereen wie se gedrag die onderwerp van 'n ondersoek kragtens artikel 39 uitmaak, moet die geleentheid gegun word om, of in eie persoon of deur sy regsvtereenwoordiger, op die beskuldiging te antwoord en sy verdediging aan te voer.

Raad moet reëls aangaande misdrywe ingevolge hierdie Hoofstuk uitvaardig.

41. (1) Die raad moet van tyd tot tyd reëls uitvaardig wat die handelinge of versuime uiteensit ten opsigte waarvan die raad tugstappe kragtens hierdie Hoofstuk kan doen: Met dien verstande dat die bevoegdhede van die raad om kragtens hierdie Hoofstuk ondersoek in te stel na en stappe te doen ten opsigte van 'n klage, beskuldiging of bewering nie beperk is tot die handelinge of versuime wat aldus uiteengesit word nie.

(2) Geen reël uitgevaardig ingevolge subartikel (1) of enige wysiging of intrekking daarvan is van krag nie alvorens dit deur die Minister goedgekeur en in die *Staatskoerant* gepubliseer is.

Vorderings deur aptekers.

42. (1) Geen apteker mag vir 'n artikel wat deur hom in sy hoedanigheid van 'n apteker verskaf is of verskaf staan te word, buitensporige gelde eis of probeer eis of verhaal nie of 'n ooreenkoms aangaan of hom op enige wyse met iemand anders assosieer met die doel om sulke gelde te eis of vas te stel nie.

(2) 'n Apteker wat 'n bepaling van subartikel (1) oortree, maak hom skuldig aan onbetaamlike gedrag soos in artikel 39 beoog en die raad moet ingevolge die bepaling van hierdie Hoofstuk kennis neem van en stappe doen ten opsigte van bedoelde gedrag.

Kommissie op voorskrifte.

43. (1) Geen apteker mag kommissie aan 'n geneesheer betaal of hom op enige ander wyse beloon in verband met 'n voorskrif wat die geneesheer verskaf het nie.

PHARMACY ACT, 1974.

Act No. 53, 1974

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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

(2) 'n Apteker wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en daarbenewens kan daar deur die raad ingevolge die bepalings van hierdie Hoofstuk teen hom opgetree word.

Kennisname deur raad in sekere omstandighede van gedrag van geregistreerde persone.

44. (1) Daar kan ingevolge die bepalings van hierdie Hoofstuk deur die raad opgetree word teen iedere geregistreerde persoon wat, hetsy voor of na registrasie, deur 'n gereghof aan 'n misdryf skuldig bevind is, indien die raad van oordeel is dat daardie misdryf onbetaamlike of skandelike gedrag uitmaak of gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skadelik is en so 'n persoon is, by bewys van die skuldigbevinding, strafbaar met die een of ander van die strawwe bedoel in artikel 45: Met dien verstande dat aan so 'n persoon voor strafoplegging 'n geleentheid gegun moet word om aan die raad 'n verduideliking te verskaf ter vergoeling van die betrokke gedrag.

(2) Wanneer in die loop van verrigtinge voor 'n gereghof dit vir die hof duidelik word dat daar *prima facie*-bewys bestaan van onbetaamlike of skandelike gedrag van die kant van 'n geregistreerde persoon, of van gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skadelik is, moet die hof gelas dat 'n afskrif van die oorkonde van die verrigtinge, of die gedeelte daarvan wat tersaaklik is, aan die raad gestuur moet word.

(3) In die geval van beskuldigings waarvan die stawende getuienis dokumentêr is, of in die ander gevalle wat die raad goedvind, kan die registrator in die hoedanigheid van *pro forma*-klaer verrigtinge kragtens hierdie Hoofstuk instel.

Strawwe wat die raad mag ople.

45. (1) 'n Persoon wat kragtens hierdie Wet geregistreer is en wat, na 'n ondersoek wat ooreenkomsdig die bepalings van hierdie Hoofstuk deur die raad gehou is, skuldig bevind is aan onbetaamlike of skandelike gedrag of gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skadelik is, is strafbaar met die een of ander van die volgende strawwe:

- (a) 'n berisping of 'n waarskuwing of 'n berisping en 'n waarskuwing; of
- (b) skorsing, vir 'n vasgestelde tydperk, in sy praktyk of die verrigting van handelinge wat by uitstek by sy beroep tuishoort, of, indien hy 'n kwekeling-apteker of 'n ongekwalifiseerde assistent is, in die verrigting van die handelinge wat hy ingevolge hierdie Wet kan verrig; of
- (c) skrapping van sy naam uit die register.

(2) Wanneer die raad die een of ander van die strawwe bedoel in subartikel (1) opgelê het, moet die registrator die naam van die betrokke persoon, die aard van die skuldigbevinding en die straf opgelê in die *Staatskoerant* laat publiseer.

(3) 'n Persoon wat hom veronreg voel deur 'n bevinding van straf opgelê deur die raad, kan, na kennisgewing aan die raad en binne 'n tydperk van twee maande na die datum van daardie bevinding of die oplegging van die straf, teen daardie bevinding of straf by die provinsiale of plaaslike afdeling van die Hoogereghof van Suid-Afrika watregsbevoegdheid uitoefen in die gebied waarin die appellant gewoonlik in die hoedanigheid waarin hy geregistreer is, praktiseer, appèl aanteken en die bepalings van artikel 24 is *mutatis mutandis* op so 'n appèl van toepassing: Met dien verstande dat geen bevinding van of straf opgelê deur die raad tersyde gestel word nie bloot op grond van 'n onreëlmataigheid wat die appellant nie by die beantwoording van die beskuldiging of by sy verdediging belemmer of benadeel het nie.

(4) Die raad kan na goeddunke en op die voorwaardes (as daar is) wat hy bepaal—

- (a) 'n skorsing kragtens subartikel (1) voor die verstryking van die vasgestelde tydperk beëindig; of

PHARMACY ACT, 1974.

Act No. 53, 1974

(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 circum-
stances.

(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

Wet No. 53, 1974

WET OP APTEKERS, 1974.

Straf vir valse getuenis.

(b) 'n naam wat ingevolge subartikel (1) uit die register geskrap is, by betaling van die voorgeskrewe geld daarop terugplaas.

Gevolg van skorsing of skrapping uit register.

46. Iemand wat by 'n ondersoek wat kragtens hierdie Hoofstuk gehou word valse getuenis onder eed aflê met die wete dat daardie getuenis vals is, is aan 'n misdryf skuldig en by skuldig bevinding strafbaar met die strawwe wat regtens vir die misdryf van meineeend voorgeskryf word.

Beperking van aanspreeklikheid.

47. Iedereen wat geskors is of wie se naam uit die register geskrap is kragtens hierdie Hoofstuk, is, indien sy beroep een is wat, kragtens hierdie Wet, nie wettiglik beoefen kan word deur 'n ongeregistreerde persoon nie, onbevoeg om sy beroep te beoefen en sy registrasiesertifikaat word geag ingetrek te wees totdat die tydperk van skorsing verstryk het of totdat sy naam deur die raad op die register teruggeplaas is.

Regulasies.

48. Behoudens die bepalings van hierdie Wet, kan geen regsgeding, hetsy sivil of strafregtelik, teen die raad of 'n lid of beamppte van die raad ten opsigte van 'n handeling te goeder trou verrig of plig uitgevoer ooreenkomsdig hierdie Hoofstuk of artikel 38, ingestel word nie.

HOOFSTUK VI

ALGEMENE EN AANVULLENDE BEPALINGS

49. (1) Die Minister kan, op aanbeveling van die raad, regulasies uitvaardig betreffende—

- (a) die beroepsgebruiken van die apteker en die dryf van 'n aptekerssaak;
- (b) die wyse waarop die werkzaamhede van die raad verrig moet word, die prosedure wat op vergaderings van die raad of komitees van die raad gevvolg moet word, en die wyse waarop die notule van sodanige vergaderings gehou moet word;
- (c) die wyse waarop die rekeninge van die raad gehou moet word en oor geld wat aan die raad toeval, beskik moet word;
- (d) geldie wat kragtens hierdie Wet betaalbaar is, met inbegrip van gelde ten opsigte van die registrasie van iemand as 'n kwekeling-apteker, aptekerstudent of farmaseutiese tegnikus;
- (e) die diensvoorraades van beamptes wat deur die raad aangestel word;
- (f) die vorms van die registers, sertifikate, vorms en dokumente wat ingevolge hierdie Wet gehou, uitgereik, ingeval of opgestel moet word;
- (g) die inligting wat aan die registrateur verstrek moet word deur aptekers, met inbegrip van aptekers wat eienaars of bestuurders is van apteke of direkteure of besturende direkteure is van regspersone wat as aptekers in die Republiek sake doen;
- (h) die registrasie deur die raad van aptekerstudente wat studeer aan 'n universiteit of aan 'n aptekerskool of ander inrigting wat deur die raad goedgekeur is;
- (i) die standaarde van algemene onderrig wat van sodanige studente vereis word as voorvereiste vir registrasie as 'n aptekerstudent;
- (j) die minimum vereistes van die leerplan en die duur van die studiekursus vir 'n graad of diploma in farmasie;
- (k) (i) die sillabusse vir die verskillende vakke ingeslote in die leerplan vir die diploma in farmasie wat ingevolge artikel 33 (2) deur die raad toegeken word;
- (ii) die wyse waarop eksamens vir die diploma in farmasie bedoel in subparagraaf (i) afgeneem moet word;

PHARMACY ACT, 1974.

Act No. 53, 1974.

- (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.

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.

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

CHAPTER VI

GENERAL AND SUPPLEMENTARY PROVISIONS

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

- (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;

Wet No. 53, 1974

WET OP APTEKERS, 1974.

- (1) (i) die registrasie van kwekeling-aptekers deur die raad;
(ii) die vorm van die kontrak tussen die apteker en die kwekeling-apteker bedoel in artikel 20;
(iii) die praktiese opleiding wat deur so 'n kwekeling-apteker ondergaan moet word;
(iv) die akkommodasiegeriewe, materiaal, toerusting en ander benodigdhede wat verskaf moet word in 'n aptek waar 'n kwekeling-apteker opleiding ondergaan;
(v) die aanstelling van persone om apteke te inspekteer waar dit die voorneme is om kwekeling-aptekers op te lei of waar kwekeling-aptekers opleiding ondergaan;
(vi) die pligte van persone wat ingevolge subparagraph (v) aangestel is en die gelde wat aan hulle betaalbaar is deur die raad ten opsigte van inspeksies wat deur hulle gedoen is;
- (m) (i) die registrasie van farmaceutiese tegnici deur die raad;
(ii) die persone wat as farmaceutiese tegnici geregistreer moet word en die omstandighede waaronder sulke persone aldus geregistreer moet word;
(iii) die opleiding en die opvoedkundige of ander kwalifikasies wat vereis word vir registrasie as 'n farmaceutiese tegnikus;
- (n) (i) die verkiesing van lede van die raad wat verkies moet word ingevolge artikel 5(1)(b) of 7(2);
(ii) die vereistes vir 'n geldige nominasie van 'n kandidaat vir verkiesing as 'n lid van die raad;
- (o) die instelling van 'n ondersoek wat ingevolge artikel 39 gehou word, met inbegrip van—
(i) die wyse waarop klagtes of beskuldigings teen 'n geregistreerde persoon aanhangig gemaak moet word;
(ii) die metode waarvolgens 'n beskuldigde persoon gedagvaar moet word en die strawwe vir 'n versuum of weiering van die kant van so 'n persoon om ingevolge die dagvaarding te verskyn of vir dwarsbombing of versteuring van die verrigtinge;
(iii) enige ander aangeleenthed in verband met die instelling van so 'n ondersoek;
- (p) enige aangeleenthed wat, ingevolge 'n bepaling van hierdie Wet, by regulasie voorgeskryf moet of kan word;
- (q) oor die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Die Minister kan, na oorlegpleging met die uitvoerende komitee van die raad, indien hy dit in die openbare belang ag—
(a) sonder die aanbeveling van die raad regulasies uitvaardig betreffende enige van die aangeleenthede bedoel in subartikel (1) of enige regulasie uitgevaardig ingevolge daardie subartikel wysig of herroep;
(b) enige reël wat ingevolge die bepalings van hierdie Wet uitgevaardig is, wysig of herroep.
- (3) 'n Kennisgewing uitgereik of proklamasie, regulasie, reël of bevel uitgevaardig kragtens hierdie Wet kan van tyd tot tyd gewysig of herroep word deur die gesag wat dit uitgereik of uitgevaardig het.

Straf waar nie
uitdruklik
voorgeskryf nie.

50. Iemand wat 'n bepaling van hierdie Wet oortree ten opsigte van die oortreding waarvan geen straf uitdruklik voorgeskryf is nie, is by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

PHARMACY ACT, 1974.

Act No. 53, 1974.

- (1) (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.

Wet No. 53, 1974

WET OP APTEKERS, 1974.

Toepassing van Wet in Suidwes- Afrika.

51. Hierdie Wet en 'n wysiging daarvan, behalwe by die toepassing van paragraaf (b) van die voorbehoudsbepaling by artikel 6 (1), is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Herroeping van wette.

52. (1) Behoudens die bepalings van subartikel (2) word soveel van die bepaling van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as wat op aptekers en die aptekersberoep betrekking het, hierby herroep.

(2) 'n Proklamasie, regulasie, reël, kennisgewing, magtiging of bevel uitgereik, uitgevaardig of verleen, of 'n registrasie, skrapping uit 'n register, aanstelling of enigets anders gedoen ingevolge 'n bepaling van die by subartikel (1) herroep wet, word, tensy onbestaanbaar met die bepalings van hierdie Wet, geag kragtens die bepalings van hierdie Wet uitgevaardig, verleen, uitgereik of gedoen te gewees het.

Kort titel en inwerkingtreding.

53. Hierdie Wet heet die Wet op Aptekers, 1974, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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.

(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.

Act No. 37, 1943

PHARMACY ACT, 1943

27. That Act may say amendment thereof except for the application of
provisions of paragraph (b) of the Act referred to section (1), shall also in South
Africa also in the territory of South Africa, including the West African
territory, except for the application of section (1), shall also in South
Africa also in the territory of South Africa, including the West African
territory.

28. (1) Subject to the provisions of subsection (2), so much thereof as is
to the provisions of the Medicines Control Act, 1938 (Act No. 13 of 1938), as relates to controls that applies
and the pharmaceutical distribution system respectively,
(2) Any distribution, preparation, sale, issue, removal
of drugs, except, where it is intended, or is likely to result from
from a larger number than one, in the same or similar
a position to the one described by subsection (1), shall, unless
otherwise agreed with the proprietor of this Act, be subject
to such regulation as the Minister may, by notice under the provisions of this
Act.

29. This Act shall be called the Pharmacy Act, 1943, and shall commence
on the date to be fixed by the Minister, by notice in the Government
Gazette.