

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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GOVERNMENT GAZETTE

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[No. 8602

OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 542.

16 March 1983

No. 542.

16 Maart 1983

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

No. 20 of 1983: Pharmacy Amendment Act, 1983.

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

No. 20 van 1983: Wysigingswet op Aptekers, 1983.

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PHARMACY AMENDMENT ACT, 1983

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Pharmacy Act, 1974, so as to insert a definition of "pharmacist intern" and to delete the definition of "trainee pharmacist"; to further regulate the limited registration of certain pharmacists; to further regulate the requirements relating to the practical training of persons desiring registration as pharmacists; to further regulate the registration of additional qualifications of pharmacists; to provide for the registration of certain specialities in which pharmacists may practise as specialists; and to effect certain textual alterations; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 4 March 1983.)

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

Amendment of section 1 of Act 53 of 1974, as amended by section 1 of Act 20 of 1979.

1. Section 1 of the Pharmacy Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion after the definition of "pharmacist" of the following definition:
- "pharmacist intern" means a person registered as such under this Act and who is undergoing practical training as contemplated in section 20;; and
- (b) by the deletion of the definition of "trainee pharmacist".

Amendment of section 17 of Act 53 of 1974.

2. Section 17 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):
- "(2) The board may, in relation to any degree, diploma or certificate referred to in subsection (1), determine 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."

Amendment of section 20 of Act 53 of 1974, as amended by section 7 of Act 20 of 1979.

3. Section 20 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- "(a) undergone the prescribed practical training with a pharmacist in the Republic in a pharmacy [approved by the board], or in an institution, and by virtue of a [prescribed] contract, [which shall be lodged with the registrar] approved by the board; or"; and

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(b) by the addition of the following subsection:

"(3) Any person who before the date of coming into operation of the Pharmacy Amendment Act, 1983, was a trainee pharmacist, shall as from that date be deemed to be a pharmacist intern, and the contract lodged with the registrar before that date by him shall as from that date be deemed to be a contract approved by the board as contemplated in subsection (1) (a) of this section."

Substitution of section 28 of Act 53 of 1974.

4. The following section is hereby substituted for section 28 of the principal Act:

"Registration of additional qualifications and of specialities.

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 the specialities which may be registered as specialities, and only qualifications and specialities so prescribed shall be registrable under this section.

(2) Any 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, or who desires to have a prescribed speciality contemplated in subsection (1), registered, shall apply to the registrar, submitting such documentary proof that he holds the additional qualification in question as the board may require, or, in the case of an application for registration of speciality, submitting proof that he complies with the prescribed requirements, and if the registrar is satisfied that such additional qualification is a degree, diploma or certificate prescribed in terms of subsection (1), or, in respect of a speciality, that such speciality has been prescribed and that the prescribed requirements have been complied with, he shall, upon payment of the prescribed fee, cause such degree, diploma or certificate, or speciality, as the case may be, to be entered in the register.

(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.]** Any person whose application for registration of a speciality has been refused by the registrar on the ground of non-compliance with any prescribed requirement, may apply to the registrar to be permitted by the board to sit for an examination referred to in subsection (4) in respect of the speciality for which he desires registration, before examiners appointed by the board and on a date and at a place determined by the board.

(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.]** The Minister may from time to time on the recommendation of the board make regulations relating to examinations which shall be required for the purposes of subsection (3) in respect of the prescribed specialities contemplated

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in subsection (1), and relating to fees which shall be paid by candidates for such examinations.

(5) If any person referred to in subsection (3) has passed, in accordance with the relevant regulations; any examination referred to in subsection (4) in respect of the speciality for which he desires registration, the registrar shall on payment of the prescribed fee cause the speciality concerned to be entered in the register in respect of the person concerned. 5

(6) (a) The registrar shall, 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. 10 15

(b) The registrar shall, on the instructions of the board, remove from the register any speciality registered in terms of this section, if in the opinion of the board, in the case of a person referred to in subsection (2), such person has ceased to comply with any prescribed requirement for the registration of the speciality in question, or if, in the case of any person in respect of whom a speciality is registered, such person has lodged with the registrar a written application for the removal of the speciality in question from the register. 20 25 30

(c) A degree, diploma or certificate removed in terms of paragraph (a), or a speciality removed in terms of paragraph (b), shall on the instruction of the board be restored by the registrar to the register upon the person concerned— 35

(i) applying on the prescribed form for such restoration;

(ii) paying the fee prescribed in respect of such restoration (if any); and

(iii) complying in the opinion of the board with such other requirements (if any) as the board may determine. 40

(7) 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. 45

(8) No registered person shall practise as a pharmacist who professes to be a specialist in respect of a prescribed speciality contemplated in subsection (1), or shall hold himself out as such a specialist, or shall in any other manner profess to be a person in respect of whom any such speciality has been registered, unless the speciality in question has been registered in terms of this section in respect of such person. 50 55

Amendment of section 49 of Act 53 of 1974, as amended by section 11 of Act 36 of 1977 and section 18 of Act 20 of 1979.

5. Section 49 of the principal Act is hereby amended—

- (a) by the deletion of paragraph (l) (ii) of subsection (1); and
- (b) by the insertion after paragraph (mA) of subsection (1) of the following paragraph: 60
- “(mB)(i) the specialities in respect of which registered persons may apply for registration under section 28; 65
- (ii) the requirements with which an applicant for registration of a speciality shall comply;

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- (iii) the exemption of an applicant for registration of a speciality, or any category of such applicants, from such requirements;
- (iv) the conditions subject to which any registered person may carry on the profession of pharmacist in respect of any registered speciality, including conditions restricting the practice of any such person to the speciality registered in respect of such person;".

Amendment of section 50A of Act 53 of 1974.

6. Section 50A of the principal Act is hereby amended by the substitution for the word "chemists" of the word "pharmacists".

Substitution of certain expressions in Act 53 of 1974.

7. The principal Act is hereby amended by the substitution, wherever they occur, for the expressions "trainee pharmacist" and "trainee pharmacists" of the expressions "pharmacist intern" and "pharmacist interns", respectively.

Short title.

8. This Act shall be called the Pharmacy Amendment Act, 1983.