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.



# **STAATSKOERANT**

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

## **REPUBLIC OF SOUTH AFRICA**

## **GOVERNMENT GAZETTE**

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#### KAAPSTAD, 24 MAART 1982

CAPE TOWN, 24 MARCH 1982

[No. 8098

KANTOOR VAN DIE EERSTE MINISTER

Hierby word bekend gemaak dat die Staatspresident sy

oedkeuring geheg het aan die onderstaande Wet wat ierby ter algemene inligting gepubliseer word:---

#### OFFICE OF THE PRIME MINISTER

No. 470.

24 Maart 1982. No. 470.

24 March 1982.

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

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

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

Act No. 39, 1982

#### PHARMACY AMENDMENT ACT, 1982

#### **GENERAL EXPLANATORY NOTE:**

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Words in **bold** type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

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

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

**R**E IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:-

1. Section 21 the Pharmacy Act, 1974 (hereinafter referred to Amendment of as the principal Act), is hereby amended by the addition of the section 21 of Act 53 of 1974. 5 following subsection, the existing section becoming subsection as substituted by (1): section 8 of

(2) Any person holding a degree, diploma, certificate Act 20 of 1979. or any other qualification in pharmacy which he has obtained outside the Republic and which is not a degree, diploma, certificate or qualification which singly or conjointly with any other qualification entitles the holder thereof to registration as a pharmacist under this Act, may on payment of the prescribed fee be registered as a pharmacist's assistant provided-

he has complied with the prescribed requirements; and (a) (b) the board is of opinion that such person is suitable to be registered as such."

2. Section 22 of the principal Act is hereby amended— (a) by the substitution for subsection (2) of the following  $\frac{122}{Act}$  53 of 1974,

rests upon a pharmacist other than himself employed

by the body corporate."; and

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subsection:

[done] performed by or on behalf of the body corporate in question (including any omission to perform an act required to be performed by or on behalf of the body corporate in question) which may involve disciplinary action by the board, unless he satisfies the board that the responsibility for such act

Amendment of section 22 of as amended by (2) The managing director referred to in subsection section 9 of (1) (a) shall be responsible to the board for any act Act 36 of 1977.

#### Act No. 39, 1982

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

PHARMACY AMENDMENT ACT, 1982

"(4) The managing director of a body corporate which is entitled to carry on the business of a pharmacist in terms of this section may, the provisions of subsection (1) (a) notwithstanding—

- (a) be a director (other than a managing director) of any other [such] body corporate which in terms of this section is entitled to carry on business as a pharmacist; [Provided that he shall not in respect
  - of the body corporate of which he is not a managing director perform any act referred to in section 29 (2) or any other act of a similar nature specially pertaining to the profession of a pharmacist]
- (b) with the prior written consent of the board perform any act referred to in section 29 (2) or any other act of a similar nature specially pertaining to the profession of a pharmacist, in a pharmacy not belonging to the body corporate of which he is a managing director.".

3. Section 33 of the principal Act is hereby amended by the Amendment of insertion after subsection (1) of the following subsections: "(1A) Any person or educational institution intending to Act 53 of 1974.

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offer training referred to in subsection (1) shall, before offering such training, apply to the board in writing for its approval of such training and shall furnish such particulars regarding such training as the board may require.

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

4. Section 37 of the principal Act is hereby amended by the Amendment of section 37 of Act 53 of 1974,

- (d) the judicial manager of a body corporate carrying on as amended by business as a pharmacist may, subject to the law section 12 of relating to judicial management, for a period not exceeding twelve months after the date of the final judicial management order, and for such additional period as the board may at its discretion allow, continue the pharmacy business of such body corporate, provided it is conducted under the continuous personal supervision of a pharmacist."
- 45 5. Section 49 of the principal Act is hereby amended by the Amendment of substitution for paragraph (d) of subsection (1) of the following section 49 of Act 53 of 1974, as amended by
  - agraph: (d) any fees payable under this Act, (including fees in section 11 of respect of the registration of any pharmacy or of any Act 36 of 1977 and
  - person as a trainee pharmacist, pharmacy student, pharmaceutical technician, pharmacist's assistant or pharmaceutical auxiliary personnel member or of a body corporate carrying on business as a pharmacist or of a managing director of any such body corporate) and exemption from the payment of any such fees;".

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

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

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### PHARMACY AMENDMENT ACT, 1982

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

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

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