

THE PHARMACY ACT

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THE PHARMACY ACT

Acts
5 of 1966,
6 of 1996,
7 of 2011
Sch.

[4th August, 1975.]

PART I. *Preliminary*

1. This Act may be cited as the Pharmacy Act.

Short title.

2.—(1) In this Act—

Interpreta-
tion.

“authorized sellers of poisons” means any person who is registered in such manner as may be prescribed as an authorized seller of poisons;

“the Council” means the Pharmacy Council appointed under section 3;

“dispensing”, in relation to a drug, means supplying that drug on and in accordance with a prescription given by a registered medical practitioner or a registered dentist or a registered veterinary surgeon or veterinary practitioner;

“drug” means any substance or mixture of substances manufactured, sold or represented for use in—

- (a) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state or the symptoms thereof in man or animal;
- (b) restoring, correcting or modifying organic functions in man or animal;
- (c) disinfection in premises in which food is manufactured, prepared, preserved, packaged or stored for sale or sold or for the control of vermin or insects in such premises;

“functions” includes duties and powers;

“poison” means any substance, whether a drug or not, which is specified as a poison by regulations made under this Act;

“registered dentist” has the meaning assigned to that expression by the Dental Act;

“registered nurse” or “midwife” means a person registered under the Nurses and Midwives Act as a nurse or midwife, as the case may be;

“registered veterinary surgeon” or “veterinary practitioner” means a person registered under the Veterinary Act.

PART II. *The Pharmacy Council*

Establishment
of Pharmacy
Council.

3.—(1) There shall be established for the purposes of this Act a body to be called the Pharmacy Council.

First Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Council and otherwise in relation thereto.

Functions
of the
Council.

4. The functions of the Council shall be—

- (a) to register pharmacists, pharmaceutical students, pharmacies and owners of pharmacies;
- (b) to regulate the training of pharmaceutical students;
- (c) to register persons as authorized sellers of poisons;
- (d) to ensure the maintenance of proper standards of conduct by persons registered under this Act;
- (e) to ensure compliance with the requirements of this Act.

Appointment
of officers,
agents and
servants.

5. The Council shall appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a Registrar who shall also perform the duties of secretary to the Council and such inspectors and other officers, agents and servants as it thinks necessary for the proper carrying out of the provisions of this Act:

Provided that no salary in excess of fifteen hundred dollars per annum shall be assigned to any post without the prior approval of the Minister.

6. The funds of the Council shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may lawfully be paid to the Council.

Funds of
the
Council.

7. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.

Accounts
and audit.

8.—(1) The Council shall in each year prepare and submit to the Minister on or before the thirtieth day of June, a report of its proceedings during the twelve months ending on the thirty-first day of March in such year, including a statement of its accounts audited in accordance with section 7.

Annual
reports and
estimates.

(2) The Council shall, on or before the thirty-first day of October in each year, submit to the Minister for approval, its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March in the subsequent year.

PART III. *Registration of Pharmacists, Pharmaceutical Students, Pharmacies and Owners of Pharmacies*

9.—(1) The Council shall cause the Registrar to keep in such form as it may from time to time determine—

Registers
which shall
be kept.

(a) a register to be known as the Register of Pharmacists in which shall be entered the names and such other particulars as may be prescribed of—

(i) all persons who under subsection (1) of section 11 shall be deemed at 4th August,

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- 1975, to be registered as pharmacists under this Act; and
- (ii) all persons who are entitled under subsection (2) of section 11 to be registered as pharmacists;
- (b) a register to be known as the Register of Pharmaceutical Students in which shall be entered the names and such other particulars as may be prescribed of—
- (i) all persons who under subsection (1) of section 12 shall be deemed at 4th August, 1975, to be registered as pharmaceutical students under this Act; and
 - (ii) all persons who have complied with the requirements of subsection (2) of section 12 and whose applications for registration as pharmaceutical students have been granted by the Council;
- (c) a register to be known as the Register of Pharmacies in which shall be entered such particulars as may be prescribed of—
- (i) all shops which under subsection (4) of section 13 shall from 4th August, 1975, be deemed to be registered under this Act as pharmacies; and
 - (ii) all shops in relation to which the requirements of subsection (2) of section 13 have been satisfied and applications for registration as pharmacies have been granted by the Council;
- (d) a register to be known as the Register of Owners in which shall be entered the names and such other particulars as may be prescribed of—
- (i) all persons who under subsection (4) of section 13 shall from 4th August, 1975, be

deemed to be registered under this Act as the owners of the business carried on in pharmacies; and

- (ii) all persons who have satisfied the requirements of subsection (2) of section 13 and whose applications for registration as owners of pharmacies have been granted by the Council.

(2) The registers mentioned in subsection (1) shall be open to inspection by any member of the public at all reasonable times and a copy of the Register of Pharmacists shall be published in the *Gazette* by the Registrar at such times as may be prescribed.

10.—(1) It shall be the duty of the Registrar—

Corrections
of registers.

- (a) to remove from any of the registers mentioned in subsection (1) of section 9 any entry which the Council directs him under section 13 or section 14 to remove;
- (b) to correct in accordance with the Council's directions any entry in any of such registers which the Council directs him in writing to correct as being in the opinion of the Council an entry which was incorrectly made;
- (c) to make from time to time any necessary alterations in any prescribed particulars contained in any of such registers.

(2) If the Registrar—

- (a) sends by post to any registered pharmacist a registered letter addressed to him at his address on the Register of Pharmacists enquiring whether he has ceased to practise as a pharmacist or has changed his address and receives no reply to the letter within three months from the date of posting it; and

(b) upon the expiration of that period sends in like manner to that pharmacist a second similar letter and receives no reply to that letter within three months from the date of posting it, the Council may direct the Registrar to remove from the Register of Pharmacists the name of that pharmacist.

(3) The Council may at any time direct the Registrar to restore to the Register of Pharmacists any name removed therefrom under subsection (2).

Registration of pharmacists. Cap 105. 1953 Edtn.

11.—(1) Every person who immediately before 4th August, 1975, was registered as holding a druggist's licence under the Drugs and Poisons Law (repealed by this Act) shall be deemed, at 4th August, 1975, to be registered as a pharmacist under this Act, and the Registrar shall as soon as practicable after 4th August, 1975, enter the name and other prescribed particulars of such person in the Register of Pharmacists.

(2) Any person who—

(a) applies to the Council in the prescribed form for registration as a pharmacist; and

(b) satisfies the Council that—

(i) he has attained the age of twenty-one years;

(ii) he is of good character;

(iii) he possesses the prescribed qualifications; and

(c) pays such registration fee as may be prescribed, shall be entitled to be registered as a pharmacist.

(3) The Registrar shall issue to every person registered under this section a certificate of registration in the prescribed form.

Registration of pharmaceutical students.

12.—(1) Every person who immediately before 4th August, 1975—

(a) was registered under the Drugs and Poisons Law as a student; and

(b) was undergoing training to be a druggist, shall be deemed, at 4th August, 1975, to be registered as a pharmaceutical student under this Act, and the Registrar shall as soon as practicable after 4th August, 1975, enter the name and other prescribed particulars of such person in the Register of Pharmaceutical Students.

(2) Subject to the provisions of subsection (1) no person shall be registered as a pharmaceutical student unless he applies to the Council in the prescribed form and satisfies the Council that—

- (a) he has attained the age of sixteen years;
- (b) he is of good character; and
- (c) he possesses the prescribed qualifications.

13.—(1) No person shall carry on a business which includes the compounding, dispensing, storing for sale or retailing of drugs unless—

Registra-
tion of
pharmacies
and the
owners
thereof.

- (a) the shop in which such business is carried on is registered under this section as a pharmacy; and
- (b) he is registered under this section as the owner of such business, so, however, that the provisions of this paragraph shall not apply during the period specified in paragraph (c) of subsection (5) and in the circumstances mentioned therein.

(2) Subject to the provisions of subsection (4) no registration shall be effected under this section unless—

- (a) the person proposing to carry on the business mentioned in subsection (1)—
 - (i) applies to the Council in the prescribed form for registration; and
 - (ii) satisfies the Council that he has attained the age of twenty-one years and that the business proposed to be carried on in the shop will, so far as it relates to the compounding, dispensing, storing for sale or

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retailing of drugs, be under the immediate control, management and supervision of a registered pharmacist; and

(iii) pays for the registration of the shop as a pharmacy such registration fee as may be prescribed; and

(b) the Council is satisfied that the shop in which such business is proposed to be carried on is suitable for the purposes of a pharmacy.

(3) The Registrar shall upon the registration of any shop as a pharmacy and upon every renewal of such registration issue to the owner of the business carried on in the pharmacy a certificate of registration in the prescribed form.

(4) Every shop which immediately before 4th August, 1975, was registered as a pharmacy under the Drugs and Poisons Law and the person whose name was recorded in the Register of Pharmacies kept under that Law as the owner of the business carried on in such shop shall, from 4th August, 1975, until the thirty-first day of March next following, be deemed to be registered under this section as a pharmacy and as the owner of the business carried on therein respectively, and the Registrar shall as soon as practicable after 4th August, 1975, enter the prescribed particulars of such pharmacy in the Register of Pharmacies and the name and other prescribed particulars of the owner of such business in the Register of Owners.

(5) The registration of every shop as a pharmacy—

(a) shall, subject to the provisions of subsections (4) and (6), expire at the end of one year from the date specified in the last certificate of registration of such pharmacy;

(b) may be renewed from time to time if application for such renewal, and payment of the prescribed fee therefor, are received by the Council before

Cap 105.
1953 Edtn.

the expiration of such registration, so, however, that where the Council receives any application for renewal of any registration after the expiration of such registration the Council may, if in the particular circumstances it considers it reasonable so to do, renew the registration;

- (c) shall become void on the expiration of one month from the date of any change in the ownership of the business carried on in such pharmacy.

(6) If at any time in the opinion of the Council any registered pharmacy or any fixture or cupboard therein is in such state of disrepair or in such an insanitary condition as to render it likely that the provisions of this Act are not being complied with, the Council may cause a notice to be served on the owner of the business being carried on therein requiring him to effect such repairs or improvements as may be specified in such notice, and if such repairs or improvements are not effected within thirty days from the service of such notice or within such further time as the Council may allow, the Council may, after holding an inquiry at which the owner of the business has had the opportunity of being heard, direct the Registrar to remove such pharmacy from the Register of Pharmacies.

(7) Where any shop ceases to be a registered pharmacy the registration under this section of any person as the owner of the business carried on therein shall thereupon become void.

14.—(1) If any registered pharmacist or pharmaceutical student is found, in disciplinary proceedings conducted in the prescribed manner by the Council against such pharmacist or pharmaceutical student, to have been convicted of a criminal offence or to be guilty of professional misconduct the Council may, if it thinks fit—

- (a) censure him; or

Censure,
suspension
and
striking
off

- (b) suspend his registration for a period not exceeding two years; or
- (c) direct the Registrar in writing to remove his name from the Register of Pharmacists or the Register of Pharmaceutical Students, as the case may be.

(2) The Council may at any time, if it thinks just, direct the Registrar to restore to the Register of Pharmacists or the Register of Pharmaceutical Students any name removed therefrom under subsection (1).

(3) The Council shall as soon as practicable after—

- (a) the registration of any person has been suspended; or
- (b) the name of any person has been struck off the Register of Pharmacists or the Register of Pharmaceutical Students; or
- (c) the restoration of any name which was removed from the Register of Pharmacists or the Register of Pharmaceutical Students,

cause notice of such suspension, removal or restoration to be published in the *Gazette*.

(4) Whenever the name of any person has been removed from the Register of Pharmacists the Council may in writing require such person to return to the Registrar his certificate of registration and such person shall comply with that requirement.

Registra-
tion Appeal
Tribunal.

15.—(1) There is hereby established for the purpose of hearing appeals from the Council a Registration Appeal Tribunal (in this Act referred to as “the Tribunal”).

Second
Schedule.

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

Appeals
from the
Council.

16.—(1) Any person aggrieved by—

- (a) the refusal of the Council to register him as a

pharmacist or pharmaceutical student or as the owner of the business carried on in a pharmacy, or to register as a pharmacy any shop owned by him; or

(b) the decision of the Council to censure him or suspend his registration as a pharmacist or pharmaceutical student or to cause his name or any pharmacy to be removed from any of the registers mentioned in subsection (1) of section 9, may appeal to the Tribunal against such refusal or decision within such time and in such manner as may be prescribed.

(2) The Tribunal may—

- (a) at the hearing of an appeal against the refusal of registration, dismiss the appeal or allow the appeal and direct the Council to cause the registration to be effected;
- (b) at the hearing of an appeal other than an appeal against the refusal of registration—
- (i) dismiss the appeal and confirm the decision of the Council; or
 - (ii) allow the appeal and set aside the decision of the Council; or
 - (iii) allow the appeal and direct that the disciplinary proceedings, if any, in respect of which the decision of the Council was made, be reconducted by the Council;
- (c) at the hearing of an appeal against a decision to inflict any punishment mentioned in paragraph (b) or (c) of subsection (1) of section 14, vary the decision by substituting for that punishment such other less severe punishment mentioned in that subsection as the Tribunal may think proper.

PART IV. *Compounding, Dispensing, Storing for Sale and Retailing of Drugs and Poisons*

Publica-
tion of
specified
lists of
drugs and
poisons.

17.—(1) The Council shall, as soon as may be after 4th August, 1975, publish in the *Gazette* a notice containing—

- (a) a list (in this Act referred to as “List No. 1”) in which shall be included the drugs in relation to the storing for sale and retailing of which the Council intends the exemption made by paragraph (a) of subsection (1) of section 19 to apply;
- (b) a list (in this Act referred to as “List No. 2”) in which shall be included the drugs in relation to the storing for sale and retailing of which the Council intends the exemption made by paragraph (b) of subsection (1) of section 19 to apply;
- (c) a list (in this Act referred to as “List No. 3”) in which shall be included all poisons;
- (d) a list (in this Act referred to as “List No. 4”) in which shall be included all drugs which any regulations made under the Food and Drugs Act prohibit from being retailed except on and in accordance with a prescription from a registered medical practitioner or a registered dentist or a registered veterinary surgeon or veterinary practitioner.

(2) The Council may from time to time by notice published in the *Gazette* amend or vary any of the lists specified in subsection (1).

(3) A notice under subsection (1) or (2) shall be of no effect unless it was approved by the Minister prior to the publication thereof.

Compound-
ing, dispens-
ing, storing
for sale
and retail-
ing of
drugs and
poisons.

18.—(1) Subject to the provisions of section 19 no person shall compound, dispense, store for sale or retail any drug unless—

- (a) the compounding, dispensing, storing for sale or retailing, as the case may be, is effected—
 - (i) on premises registered as a pharmacy; and
 - (ii) by a registered pharmacist or by a registered pharmaceutical student under the supervision of a registered pharmacist; and
- (b) where that drug is a poison, he complies with the provisions of subsections (3) and (4); and
- (c) where that drug is included in List No. 4, such retailing is effected on and in accordance with a prescription given by a registered medical practitioner or a registered dentist or a registered veterinary surgeon or veterinary practitioner; and
- (d) such additional requirements as may be prescribed in relation to the compounding, dispensing, storing for sale and retailing of that drug are satisfied.

(2) No person shall carry on a business which includes the retailing of any poison unless—

- (a) such business is carried on in a registered pharmacy; or
- (b) he is an authorized seller of poisons.

(3) Every person who retails any poison shall keep such poison—

- (a) in a bottle, vessel, box, wrapper or cover distinctly labelled with the name of such poison and with some distinctive mark indicating that it is a poison; and
- (b) in a cupboard set apart for the keeping of poisons, and such cupboard shall be kept locked.

(4) No person shall sell, dispense or deliver to any other person any poison unless the bottle, vessel, box, wrapper or cover in which such poison is contained is distinctly labelled in the prescribed manner with—

- (a) the word "poison"; and
- (b) the name of the poison; and
- (c) the name of the seller of the poison and the address of the premises on which it was sold.

Exemptions from section 18.

19.—(1) The provisions of subsection (1) of section 13 and paragraph (a) of subsection (1) of section 18 shall not apply in relation to the storing for sale and retailing—

- (a) of any drug included in List No. 1; or
- (b) in such places and in accordance with such requirements as may be prescribed, of any drug included in List No. 2.

(2) Nothing in section 18 shall—

- (a) apply to a drug which is supplied—
 - (i) by a registered medical practitioner or by a registered nurse or midwife on the direction of a registered medical practitioner, for the purposes of medical treatment; or
 - (ii) by a registered dentist for the purposes of dental treatment; or
 - (iii) by a registered veterinary surgeon or veterinary practitioner for the purposes of animal treatment; or
- (b) apply to or interfere with the sale of a drug—
 - (i) to a registered medical practitioner, registered dentist or registered veterinary surgeon or veterinary practitioner for the purpose of his profession; or
 - (ii) to, or for use, in connection with any hospital or other institution specified by the Minister in a notice published in the *Gazette*; or
 - (iii) to a registered pharmacist for the purpose of a registered pharmacy.

PART V. *Miscellaneous*

20. The owner of the business carried on in a registered pharmacy shall not cause or permit that pharmacy to be open unless—

Restriction on opening of pharmacy in the absence of registered pharmacist.

- (a) a registered pharmacist is in charge thereof and in actual attendance therein; or
- (b) all drugs therein which are required by this Act to be compounded, dispensed, stored for sale or retailed by or under the supervision of a registered pharmacist are put away and properly secured.

21. The owner of the business carried on in every registered pharmacy shall cause to be conspicuously exhibited in the pharmacy—

Certificates to be exhibited.

- (a) the certificate of registration of the pharmacy for the time being in force; and
- (b) the certificate of registration of the registered pharmacist for the time being in charge of the pharmacy.

22.—(1) No person shall, unless he is registered as a pharmacist—

Restriction on use titles and descriptions.

- (a) take or use any of the following titles, that is to say, pharmacist, druggist, chemist and druggist, pharmaceutical chemist or pharmacist; or
- (b) take or use in connection with the sale of goods by retail the title of chemist.

(2) No person shall display on any premises not registered as a pharmacy—

- (a) any sign, title, emblem or representation which includes the description “drugs” or “drugstore” or “drug dispensary” or “drug sundries” or “pharmacy”; or
- (b) any other sign, title, emblem or representation reasonably calculated to suggest that such premises are registered as a pharmacy.

Inspection
and enforce-
ment.

23.—(1) An inspector appointed under this Act may, for the purpose of securing compliance with the provisions of this Act at any reasonable time enter—

- (a) any premises in respect of which application for registration under this Act has been made; or
- (b) any registered pharmacy; or
- (c) any premises in which any person carries on the business of an authorized seller of poisons; or
- (d) any premises in which he has reasonable cause to suspect that a breach of this Act has been committed,

and make such examination and enquiry and do such other things, including the taking of samples free of charge, as may be necessary for ascertaining whether such premises are suitable for the purposes of a pharmacy or whether the provisions of this Act are being complied with.

(2) An inspector shall be furnished with a certificate of appointment and on entering any place pursuant to subsection (1) he shall, if required to do so, produce the certificate to the person in charge of the place.

(3) The owner or person in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector all reasonable assistance in their power and shall furnish him with such information as he may reasonably require.

(4) Nothing in this section shall authorize any inspector to enter or inspect the premises, not being a shop, of a registered medical practitioner or a registered dentist or a registered veterinary surgeon or veterinary practitioner.

Certificates
of analysis.

24.—(1) Subject to the provisions of subsection (2), the certificate of an inspector appointed under this Act or of a person designated to be an analyst for the purposes of the Food and Drugs Act stating that he has examined or analysed a sample for the purposes of this Act and stating

the result of his examination or analysis shall be admissible in evidence for a prosecution for a contravention of this Act and shall be *prima facie* proof of the statement contained in the certificate but the party against whom it is proposed may require the attendance of the inspector or analyst for the purpose of cross-examining him.

(2) A certificate under subsection (1) shall not be admissible in evidence unless the party intending to produce it has before the trial given to the party against whom it is intended to produce it reasonable notice of such intention and a copy of the certificate.

25.—(1) The Council, with the approval of the Minister, may make regulations generally for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations— Regulations.

- (a) prescribing in respect of pharmaceutical students the qualifications to be possessed as a prerequisite for registration and the courses of training to be followed after registration;
- (b) prescribing the manner in which disciplinary proceedings may be instituted before the Council, the procedure to be followed in the conduct of such proceedings and matters incidental to or consequential on such proceedings;
- (c) prescribing the manner of appealing to the Tribunal and as to the proceedings in any such appeal and matters incidental to or consequential on such proceedings;
- (d) prescribing the qualifications to be possessed as a prerequisite for registration as a pharmacist;
- (e) specifying the substances which are poisons for the purposes of this Act;

(f) for the registration of authorized sellers of poisons, for matters incidental to or consequential on such registration, including fees, and specifying the poisons which may be sold by authorized sellers of poisons;

(g) respecting—

(i) the compounding, dispensing, labelling, storing for sale and retailing of drugs and poisons;

(ii) the containers in which poisons may be sold or supplied;

(iii) the addition to poisons of specified ingredients for the purpose of rendering them readily distinguishable as poisons,

and different provisions may be made for different drugs or poisons;

(h) providing in respect of registered pharmacies and authorized sellers of poisons for the keeping, examination and auditing of books and records and for the making of reports and returns;

(i) prescribing the places other than registered pharmacies in which drugs included in List No. 2 may be stored for sale and retailed and the requirements which shall be satisfied in relation to the keeping and retailing of such drugs in those places;

(j) prescribing any other matter or thing which may be, or is required by this Act to be, prescribed.

(2) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this section may provide for the imposition of penalties on summary conviction in a Resident Magistrate's Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

26.—(1) Every person who—

(a) contravenes the provisions of subsection (1) of section 13 or subsection (4) of section 14 or section 18 or section 20 or section 21 or section 22; or

(b) with intent to deceive—

(i) forges or uses or lends to or allows to be used by any other person any certificate issued under this Act; or

(ii) makes or has in his possession any document so closely resembling such certificate as to be calculated to deceive; or

(c) assaults or obstructs any inspector or other officer appointed under this Act acting in the performance of his functions under or pursuant to this Act; or

(d) bribes or attempts to bribe any inspector or other officer appointed under this Act in connection with any matter arising in the performance of any of his functions under or pursuant to this Act; or

(e) knowingly gives false or misleading information to any inspector or other officer appointed under this Act; or

(f) being an inspector or other officer appointed under this Act accepts any bribe in connection with any matter arising in the performance of any of his functions under or pursuant to this Act;

(g) fails to erect and maintain in a prominent position in the place in which drugs are sold or supplied, a sign informing persons of the availability of a generic drug which is the bioequivalent of a drug which carries a brand name; 6/1996
S. 2(b).

(h) compounds, dispenses, stores for sale or retails, any drugs in contravention of section 18, 6/1996
S. 2(b).

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five

7/2011
Sch.

hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months.

(2) A prosecution for an offence under paragraph (d) or (f) of subsection (1) shall not be instituted without the sanction of the Director of Public Prosecutions.

Minister
may amend
monetary
penalties.
7/2011
Sch.

26A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

Transitional.

27. In any enactment existing at 4th August, 1975, or in any regulations or other instruments made under any such enactment and existing at 4th August, 1975—

Cap. 105.
1953 Edm.

(a) references (in whatever terms) to a shop registered as a pharmacy under the Drugs and Poisons Law shall be construed as references to a pharmacy registered under this Act; and

(b) references (in whatever terms) to a person licensed as a druggist under the Drugs and Poisons Law or to a holder of a druggist's licence under that Law shall be construed as references to a pharmacist registered under this Act.

FIRST SCHEDULE

(Section 3)

Constitution and Procedure of the Council

Constitution
of the Council.

1. The Council shall consist of ten members appointed by the Minister of whom six shall be nominated by the Pharmaceutical Society or any other body recognized by the Minister as having succeeded to the functions of that Society.

Chairman.

2. The Minister shall appoint one of the members of the Council to be the chairman thereof.

Tenure of
office.

3. The appointment of a member of the Council shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for reappointment.

Acting
appointments.

4. If the chairman or any other member of the Council is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member.

Resignations.

5.—(1) Any member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the

date of receipt by the Minister of such instrument such member shall cease to be a member of the Council.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

6. The Minister may at any time revoke the appointment of any member of the Council if he thinks it expedient so to do.

Revocations of appointments.
Filling of vacancies.

7. If any vacancy occurs in the membership of the Council such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

8. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Gazetting of appointments.

9.—(1) The Council shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

Incorporation.

(2) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the chairman or any other member of the Council and the Registrar.

(3) The seal of the Council shall be authenticated by the signatures of the chairman or any other member authorized to act in that behalf and the Registrar, and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hands of the chairman or any other member authorized to act in that behalf and the Registrar.

(5) The Council shall meet at least once in every period of three months for all purposes be described by such name.

10.—(1) The Council shall meet at least once in every period of three months and at such other times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine.

Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any three members of the Council.

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(3) The chairman shall preside at all meetings of the Council at which he is present, and if the chairman is absent from any meeting the members present shall elect one of their number to preside at that meeting.

(4) The quorum of the Council shall be five.

(5) The decisions of the Council shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Council shall be kept.

(7) The validity of the proceedings of the Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Council may regulate its own proceedings.

Committees. 11.—(1) The Council may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such functions as the Council may determine, so, however, that no such committee shall have the power to make regulations.

(2) The constitution of each committee shall be determined by the Council.

Protection of members. 12.—(1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph, the Council shall be liable to the extent that it would be if the member was a servant or agent of the Council.

Remuneration of members. 13. There shall be paid from the funds of the Council to the chairman and other members of the Council such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Members not public officers. 14. The office of chairman or member of the Council shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

SECOND SCHEDULE

(Section 15)

Constitution of the Registration Appeal Tribunal

Constitution of the Tribunal. 1. The Tribunal shall consist of a chairman and two other members appointed by the Minister.

[The inclusion of this page is authorized by L.N. 96/1998]

2. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Minister may determine and shall be eligible for reappointment. **Tenure of office.**
3. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in case of the absence or inability to act of the chairman or other member. **Acting appointments.**
- 4.—(1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Tribunal. **Resignations.**
- (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.
5. The Minister may at any time revoke the appointment of the chairman or any other member of the Tribunal if he thinks it expedient so to do. **Revocation of appointments.**
6. If any vacancy occurs in the membership of the Tribunal, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed. **Filling of vacancies.**
7. The names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*. **Publication of membership.**
8. Subject to the provisions of this Act, the Tribunal may regulate its own proceedings. **Power to regulate proceedings.**
9. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica. **Members, not public officers.**