



# GOVERNMENT GAZETTE

OF THE

# REPUBLIC OF NAMIBIA

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No. 713

## CONTENTS

	<i>Page</i>
<b>GOVERNMENT NOTICE</b>	
No. 106 Promulgation of Pharmacy Profession Act, 1993 (Act 23 of 1993), of the National Assembly .....	1

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 106 1993

#### PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 23 of 1993: Pharmacy Profession Act, 1993.

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## **ACT**

**To provide for the establishment and constitution of a professional board for the pharmacy profession; to define the functions, duties and powers of such board; to provide for and define the registration, training and qualifications of pharmacists, pharmacist interns, pharmacy students, pharmacists' assistants and pharmaceutical technicians; to provide for the control of the practise of the pharmacy profession; and to provide for matters incidental thereto.**

*(Signed by the President on 12 August 1993)*

### ARRANGEMENT OF SECTIONS

#### PART I

##### DEFINITIONS

1. Definitions.

#### PART II

##### PROFESSIONAL BOARD

2. Establishment of professional Board.
3. Objects of Board.
4. General powers of Board.
5. Constitution of Board.
6. Disqualifications for election as members of Board.
7. Vacation of offices and filling of vacancies on Board.
8. Office-bearers of Board.
9. Meetings, quorums and procedures of Board.
10. Committees of Board.
11. Finances of Board, keeping of accounts and submission of reports.

## PART III

## TRAINING, QUALIFICATIONS AND REGISTRATION

12. Control over training.
13. Registration a prerequisite for practising.
14. Keeping of registers.
15. Removal of names from, and restoration to, register.
16. Copy of register as proof.
17. Duplicate registration certificates and extracts from registers.
18. Qualifications prescribed for registration as a pharmacist.
19. Conditional registration.
20. Issuing of registration certificates replacing conditional registration certificates.
21. Registration of persons for purposes of educational demonstrations.
22. Registration of persons for purposes of post-graduate studies.
23. Practical training a prerequisite for registration as a pharmacist.
24. Registration of pharmacist's assistants.
25. Body corporate carrying on business as pharmacist.
26. Prohibition of opening, purchase or acquisition of certain pharmacies by certain bodies corporate.
27. Educational institutions to furnish Board with certain particulars.
28. Registration and use of additional qualifications and registration of specialities.

## PART IV

## OFFENCES BY UNREGISTERED PERSONS

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

## PART V

## CONDUCT OF PHARMACEUTICAL PRACTICE

30. Pharmacy to be under continuous personal supervision of a pharmacist.
31. Restriction in respect of business names.
32. Continuation of the business of a pharmacist by executor, trustee, liquidator or curator.

## PART VI

## DISCIPLINARY POWERS OF BOARD

33. Rules by Board relating to improper conduct or misconduct.
34. Inquiry by Board into complaints, charges or allegations of improper conduct or misconduct.
35. Procedures at inquiries.
36. Penalty for false evidence.
37. Penalties to be imposed by Board.
38. Postponement of imposition of penalties and suspension of operation of penalties.
39. Effect of suspension or removal from registers.
40. Cognizance by Board of conduct of registered persons under certain circumstances.
41. Appointment of *pro forma* complainants.
42. Limitation of liability.
43. Restrictions in or suspension from practice of incapable, unfit or incompetent registered persons.

## PART VII

## GENERAL AND SUPPLEMENTARY PROVISIONS

44. Authorization to practise professions in employment of State.
45. Offences relating to registration, registers and impersonation.
46. Charges by pharmacists.
47. Commission on prescriptions.
48. Onus of proof.
49. Limitations in respect of unregistered persons and proof required for the issue of licences.
50. Investigation of matters relating to the training of certain persons.
51. Regulations.
52. Levying of annual fees on registered persons.
53. Delegation of powers.
54. Right of appeal to Council.
55. Existing profession.
56. Minister temporarily to exercise powers and perform functions and duties of Board.
57. Repeal of laws and saving.
58. Short title and commencement.

## SCHEDULE

## LAWS REPEALED

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

## PART I

## DEFINITIONS

Definitions.

1. In this Act, unless the context otherwise indicates -

“Board” means the Pharmacy Board established by section 2;

“Council” means the Council for Health and Social Services Professions established by section 2 of the Council for Health and Social Services Professions Act, 1993;

“dependence-producing drug” means any dependence-producing drug as defined in the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971);

“educational institution” means any university, college, technical college, technicon or other similar or related institution where any tertiary education in the field of the pharmaceutical profession is provided, irrespective whether such institution conducts examinations or not;

“improper conduct” means those acts and omissions by registered persons in respect of which the Board has issued rules under section 33;

“medicine” means medicine as defined in the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965);

**PHARMACY PROFESSION ACT, 1993**

“member” means any member of the Board;

“Minister” means the Minister of Health and Social Services;

“misconduct” means those acts and omissions by registered persons in respect of which the Board has issued rules under section 33;

“Permanent Secretary” means the Permanent Secretary: Health and Social Services;

“pharmaceutical technician” means any person registered as such under this Act;

“pharmacist” means any person registered as such under this Act;

“pharmacist intern” means any person registered as such under this Act and who is undergoing practical training as contemplated in section 23;

“pharmacist’s assistant” means any person registered as such under this Act;

“pharmacy” means any place wherein is performed any act specially pertaining to the profession of a pharmacist;

“pharmacy student” means any person registered as such under this Act;

“prescribe” or “prescribed” means prescribe or prescribed by regulation;

“public holiday” means a public holiday referred to in, or declared under section 1 of the Public Holidays Act, 1990 (Act 26 of 1990);

“qualification” means any degree, diploma or certificate conferred upon a person after having been examined in respect of his or her competency in his or her field of study;

“register” -

- (a) when used as a verb, means to register in terms of section 14, and "registered" and "registration" shall have corresponding meanings;
- (b) when used as a noun, means a register referred to in section 15;

"registered person", in relation to the Board, means any person who is registered under this Act in respect of the pharmacy profession;

"regulation" means any regulation made or in force under this Act;

"scheduled substance" means any medicine or substance listed in the Schedules to the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965);

"this Act" includes the regulations and rules made or any order issued under this Act.

## PART II

### PROFESSIONAL BOARD

Establishment of Professional Board.

2. (1) There is hereby established a professional board for pharmacists to be known as the Pharmacy Board.

(2) The Board shall be a juristic person.

Objects of Board.

3. The objects of the Board shall be -

- (a) to assist in the promotion of the health of the population of Namibia;
- (b) to control and exercise authority in respect of all matters affecting the training of persons in, and the manner of the exercise of the practices pursued in connection with the pharmacy profession;
- (c) to promote liaison in the field of the training referred to in paragraph (b), both in Namibia and elsewhere, and to promote the standards of such training in Namibia;

**PHARMACY PROFESSION ACT, 1993**

- (d) to advise the Minister and the Council on any matter relating to the pharmacy profession; and
- (e) to communicate to the Minister and the Council information on matters of public interest acquired by the Board in the course of the performance of its functions under this Act.

General powers of Board.

4. The Board may, subject to the provisions of this Act -

- (a) register any person in any profession concerned;
- (b) where authorized by this Act, remove any name from a register concerned or, upon payment of the prescribed fee, restore such name to such register;
- (c) appoint examiners and moderators, conduct examinations and grant certificates, and charge such fees in respect of such examinations or certificates as may be prescribed.
- (d) in respect of the pharmacy profession approve, on such prescribed conditions as it may deem fit, of educational institutions;
- (e) 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;
- (f) consider any matter affecting the pharmacy profession and make representations or take such action in connection therewith as the Board deems advisable;
- (g) upon application by any person, recognize any qualifications held by such person in respect of the pharmacy profession (whether such qualifications have been obtained in Namibia or elsewhere) as being equal, either wholly or in part, to any prescribed qualifications, whereupon such person shall, to the extent to which such qualifications have so been recognized, be deemed to hold such prescribed qualifications;



- (h) appoint such persons at the remuneration and on the other conditions of service which it deems fit for the carrying out of its functions and may dismiss such persons;
- (i) perform such other functions as may be prescribed in respect of the Board,

and generally do all such things as the Board deems necessary or expedient to achieve the objects of this Act.

Constitution of Board.

5. (1) The Board shall consist of so many members, but not less than five and not more than nine, as may be determined by the Minister, who shall, subject to the provisions of section 6, all be pharmacists.

(2) The members of the Board of which the number thereof has been determined in terms of the provisions of subsection (1) shall be elected in the prescribed manner and in accordance with the prescribed procedures, by pharmacists who shall be Namibian citizens or lawfully admitted to Namibia for permanent residence therein, and resident in Namibia.

(3) Notwithstanding any provision to the contrary contained in subsection (2), any meeting for the first election of members of the Board shall be convened and presided over by the Minister or any person designated by the Minister for that purpose, who shall determine the procedures to be followed at such meeting, including the time, date and place of such meeting, notice of such meeting to the persons concerned, the quorum for such meeting, the nomination of candidates, the manner in which the election shall be conducted and any other matter incidental to such election.

(4) Any member of the Board shall hold office for a period of three years and shall, at the expiry of such period, be eligible for re-election.

(5) The names of the members of the Board and the date of commencement of their term of office shall be published by the secretary of the Board in the *Gazette* as soon as possible after the constitution of the Board.

(6) For purposes of the constitution of the first Board, any person who immediately before the commencement of this Act was in terms of any law in force in Namibia entitled to practise as a pharmacist, shall -

**PHARMACY PROFESSION ACT, 1993**

- (a) notwithstanding subsection (1), be eligible for election as a member of the Board if such person is not subject to any disqualification mentioned in section 6; and
- (b) notwithstanding subsection (2), be entitled to vote at the first election of the members of the Board held in terms of subsection (3), if such person is a Namibian citizen or has lawfully been admitted to Namibia for permanent residence and is resident in Namibia.

Disqualifications for election as members of Board.

**6. No person -**

- (a) who is not a Namibian citizen or not lawfully admitted to Namibia for permanent residence therein, and resident in Namibia;
- (b) who is an unrehabilitated insolvent;
- (c) who in terms of this Act is disqualified from practising his or her profession,

shall be elected as a member of the Board.

Vacation of offices and filling of vacancies on Board.

**7. (1) A member of the Board shall vacate his or her office, if -**

- (a) he or she becomes subject to any disqualification contemplated in section 6;
- (b) he or she is declared mentally ill under the Mental Health Act, 1973 (Act 18 of 1973);
- (c) he or she in writing under his or her hand, addressed and delivered to the secretary of the Board, resigns from his or her office;
- (d) he or she has been absent from more than two consecutive meetings of the Board without its leave; or
- (e) he or she is convicted of an offence in respect of which he or she is sentenced to imprisonment without the option of a fine.

(2) Any vacancy on the Board arising from any circumstance referred to in subsection (1) or caused by the death of any member of the Board shall be filled by election *mutatis mutandis* in accordance with the provisions of section 5(2), and every member so elected shall hold office for the unexpired portion of the period of office of the vacating member.

Office-bearers of Board.

8. (1) At the first meeting of the Board the members of the Board shall elect from their number a president, vice-president, treasurer and secretary.

(2) The president, vice-president, treasurer and secretary shall hold office during their terms of office as members of the Board, unless he or she, as the case may be, sooner resigns or ceases to be a member of the Board.

(3) If for any reason the president is absent or unable to act as president, the vice-president shall 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 from their number to preside at that meeting and the person so presiding may at such meeting during such absence perform the functions and exercise the powers of the president.

(5) If the office of president, vice-president, treasurer or secretary becomes vacant, the members of the Board shall at the first meeting after such vacancy has occurred, elect from among their number a new president, vice-president, treasurer or secretary, as the case may be, and the members so elected shall hold office for the unexpired portion of the period of office of his or her predecessor.

(6) No person shall hold the office of president or vice-president for longer than two consecutive terms of office: Provided that a portion of a period of office referred to in subsection (5) shall be deemed not to constitute a term of office as contemplated in this subsection.

(7) The president, vice-president, treasurer or secretary may vacate his or her office as president, vice-president, treasurer or secretary, as the case may be, without terminating his or her membership of the Board.

Meetings, quorums and procedures of Board.

9. (1) Meetings of the Board shall be held at such times and venues as the president of the Board may determine: Provided that the first meeting of every newly constituted Board shall be held at such time and venue as the Minister may determine.

(2) (a) The president of the Board shall, upon a written request signed by at least four members of the Board or upon a written request signed by at least one-third of the registered persons, convene a special meeting, to be held within 30 days after the date of receipt of such request, as the case may be, on such date and at such place as he or she may determine.

(b) Such written request shall state clearly the purpose for which the meeting is to be convened.

(3) The majority of the members of the Board shall constitute a quorum for any meeting of the Board.

(4) The decision of the majority of the members of the Board present at any meeting of the Board shall constitute a decision of the Board, and in the event of an equality of votes, the person presiding at such meeting shall have a casting vote in addition to his or her deliberative vote.

(5) The Board may make rules in relation to the holding of, and procedures at, meetings of the Board.

(6) The Board and any committee of the Board referred to in section 10 shall cause a record to be kept of the proceedings of its meetings.

(7) (a) Any meeting of the Board where the Board holds an inquiry under Part VI or where any committee of the Board referred to in section 10 holds such an inquiry under powers assigned or delegated to it by the Board, shall be open to the public, unless the Board or such committee determines, subject to the provisions of the proviso to Article 12(1)(a) of the Namibian Constitution, otherwise.

(b) Any member or former member of the Board or any committee of the Board referred to in section 10, shall preserve and aid in preserving secrecy in relation to all matters that may come to his or her

knowledge at or in respect of such meeting of the Board or such committee, and shall not communicate any such matter to any other person or permit any other person to have access to any documents in his or her possession or custody related to such matter, except in so far as any such communication or document is required by, or may be made in terms of, this Act or any other law, or is required by an order of a court of law.

- (c) Any person who contravenes or fails to comply with any determination referred to in paragraph (a) or with the provisions of paragraph (b) shall be guilty of an offence and on conviction be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Committees of Board.

**10. (1) The Board shall -**

- (a) establish a disciplinary committee which shall consist of such number of persons appointed by the Board as the Board may determine but which shall include at least two members of the Board, one of whom shall be the chairperson and the other the vice-chairperson of such committee, to investigate and report to the Board on any complaint, charge or allegation referred to in section 34;
- (b) establish an education committee which shall consist of such number of persons appointed by the Board as the Board may determine but which shall include at least two members of the Board, one of whom shall be the chairperson and the other the vice-chairperson of such committee and at least two persons of the pharmacy profession who have knowledge or experience in or are or were involved in the training of persons in such profession, to investigate and report to the Board on any matter relating to any requirement or qualification for registration or training, as the case may be.

(2) The committees established in terms of subsection (1) shall, subject to the provisions of subsection (5), exercise such of the Board's powers and perform such of the Board's functions as the Board may from time to time confer upon or assign to it.

(3) The Board may from time to time establish such other committees as it may deem necessary, each consisting of so many persons appointed by the Board as the Board may determine, but including at least one member of the Board who shall be the chairperson of such committee, to investigate and report to the Board on any matter falling within the scope of the Board's functions under this Act.

(4) The Board may delegate to any committee established in terms of subsection (3), such of its powers, in addition to the powers conferred upon such committee by that subsection, as it may from time to time determine but shall not be divested of any power so delegated.

(5) No penalty imposed by any committee established in terms of subsection (1) other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect until confirmed by the Board: Provided that an order made by any such committee under section 43(2) shall, if the committee so directs in the public interest, come into operation forthwith but shall lapse after the expiration of a period of six months unless confirmed within that period by the Board.

Finances of Board, keeping of accounts, and submission of reports.

**11.** (1) The funds of the Board shall consist of the registration and examination fees and any other fees payable under this Act, and such other moneys including assistance referred to in subsection (2), as may in terms of this Act from time to time become payable to the Board, and the Board shall utilize its funds for defraying expenses incurred in connection with the performance of its functions.

(2) The Minister may, in consultation with the Minister of Finance, and subject to such conditions as the Minister may determine, at any time grant to the Board out of moneys appropriated by law such financial assistance as he or she may deem necessary in connection with the performance of its functions.

(3) The Board may invest any unexpended portion of its funds and may establish such reserve funds and pay therein such amounts as it may deem necessary or expedient.

(4) (a) The Board shall cause full and correct accounts to be kept of all moneys received or expended by it.

- (b) The Board shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year and shall, after the statement and balance sheet have been audited by an auditor appointed by the Board, cause copies thereof to be transmitted to every member of the Board, and cause a copy thereof to be open for inspection at the office, if any, of the Board and the office of the Council, by any registered person.
- (c) The Board shall in each year, within six months after the close of its financial year, submit to the Council a report in regard to its activities during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in paragraph (b) in respect of that financial year.
- (d) The financial year of the Board shall end on 30 June of each year, unless the Board, with the approval of the Minister, determines otherwise.

### PART III

#### TRAINING, QUALIFICATIONS AND REGISTRATION

Control over training.

**12.** (1) No person or educational institution may offer or provide any tuition or training in pharmacy unless such tuition and training have been approved by the Board.

(2) Any person or educational institution intending to offer such tuition or training as is referred to in subsection (1) shall, before offering such tuition or training, apply in such form as may be determined by the Minister to the Board in writing for its approval of such tuition or training and shall furnish such particulars regarding such tuition and training as the Board may require.

(3) (a) The Board may grant or refuse any application made in terms of subsection (2) and having granted such application may issue a certificate of

**PHARMACY PROFESSION ACT, 1993**

approval to such person or educational institution in such form, subject to such conditions and for such period as it may determine.

- (b) The Board may at any time withdraw a certificate of approval issued under paragraph (a) if it is satisfied that any person or educational institution issued with such certificate has failed to comply with any conditions determined in terms of that paragraph.

(4) The Board shall, in writing, notify the person or educational institution concerned of any decision taken under subsection (3).

(5) Any person who contravenes or fails to comply with any provision of subsection (1) or any condition determined under subsection (3) shall be guilty of an offence and on conviction be liable -

- (a) in the case of a natural person, to a fine not exceeding R12 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment; or

- (b) in any other case, to a fine not exceeding R50 000.

Registration a prerequisite for practising.

**13.** (1) Unless otherwise provided in this Act, no person shall be entitled to practise as a pharmacist, pharmacist's assistant or pharmaceutical technician, as the case may be, within Namibia unless such person is registered with the Board.

(2) Every person who desires to be registered in terms of this Act shall in such form as may be determined by the Minister apply to the Board, and shall together with such application submit to the Board proof of the qualification which, in his or her opinion, entitles him or her to registration with the Board, together with such documents and information as may be required by the Board.

(3) When the Board is satisfied that the applicant and his or her qualifications comply with the provisions of this Act and with the requirements of the Board, the Board shall, upon payment by the applicant of the prescribed fees, issue a registration certificate, in the name of such applicant authorizing the applicant, subject to the provisions of this Act or any other law, to practise the



profession of a pharmacist or as a pharmacist's assistant or a pharmaceutical technician, as the case may be.

(4) If the Board is not satisfied that the qualification or other documents submitted in support of such application comply with the provisions of this Act and with the requirements of the Board, the Board shall refuse to issue a registration certificate to the applicant.

Keeping of registers.

14. (1) The secretary of the Board shall -

(a) keep -

- (i) 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 whose application for registration in terms of this Act has been granted;
- (ii) a register of pharmacist interns 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 23(1);
- (iii) a register of pharmacy students in which shall be entered the name of every person enrolled at an educational institution approved by the Board and who has complied with the requirements prescribed for registration as a pharmacy student, as well as his or her registration number, date of registration and the name of the institution at which he or she is enrolled;
- (iv) a register of pharmacists' assistants in which shall be entered the name, address, registration number and date of registration of every person whose application in terms of this Act has been granted;
- (v) a register of pharmaceutical technicians in which shall be entered the name, address, registration number and date of registration of every person whose application for registration in terms of this Act has been granted;

**PHARMACY PROFESSION ACT, 1993**

- (vi) a register of bodies corporate in which shall be entered the name, address, registration number and date of registration of every such body carrying on business as a pharmacist in terms of this Act as well as the name of the managing director referred to in section 25(2)(a);
  - (vii) a register of pharmacies in which shall be entered the name and address of every pharmacy in Namibia and the name of the owner, manager or person in charge of such pharmacy; and
  - (viii) such other registers as may be prescribed,  
  
and shall enter into such register all prescribed particulars as well as such other particulars as the Board may determine; and
- (b) furnish the registrar of the Council with a copy of the registration certificate of every person referred to in subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph (a) and such other particulars (if any) as may be required by such registrar in connection with such person.
- (2) The secretary of the Board shall keep the registers concerned in accordance with the provisions of this Act and shall, subject to any other provisions of this Act, remove therefrom the names of all registered persons who have died or whose period of registration referred to in section 19(2) has expired, and shall from time to time make the necessary alterations in the addresses or qualifications of such persons.
- (3) Every registered person who changes his or her address shall in writing and within 30 days after such change notify the secretary of the Board of his or her new address.
- (4) The Permanent Secretary: Home Affairs shall, upon receipt of the death registration of a person which indicates that such person immediately prior to his or her death practised as a pharmacist, a pharmacist's assistant or pharmaceutical technician, forthwith notify the secretary of the Board of such death.

Removal of names from,  
and restoration to, regi-  
ster.

**15. (1)** The Board may direct its secretary to remove from the register concerned the name of any person -

- (a) who has been, without informing the Board, absent from Namibia during the three years immediately preceding such removal;
- (b) who has failed to notify the secretary in terms of section 14(3) of any change of address and who, within a period of three months after a request by the secretary, sent by registered letter to the address of such person appearing in such register, to furnish such new address, fails to comply with such request;
- (c) who has requested that his or her 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 or her;
- (d) who has failed to pay to the Board, within a period of one month as from the date upon which it became due for payment, the prescribed annual fees;
- (e) whose name has been removed from the register, record or roll of any educational institution, hospital, society or other body from which such person received the qualification by virtue of which such person was registered in terms of this Act;
- (f) in respect of whom any entry has been made in error or through misrepresentation or in circumstances not authorized by this Act and the initial registration would not have been made had the correct facts and circumstances been known to the Board.

- (2) (a) Notice of the removal of the name of any person from a register in terms of subsection (1) shall be served by the secretary of the Board or any person designated by the secretary for that purpose on the person whose name has been removed from the register concerned at his or her place of business or residence.

**PHARMACY PROFESSION ACT, 1993**

- (b) In the event that a notice referred to in paragraph (a) cannot be served on the person whose name has been removed from a register at his or her place of business or residence, such notice may be served -
- (i) at the place of business of such person, upon any partner or employee of such person; or
  - (ii) at the place of residence of such person, upon any member of the household or any employee apparently above the age of 16 years; or
  - (iii) by way of registered letter addressed to such person at his or her address which appears in such register,

and, in the case of subparagraph (i) or (ii), any partner, member or employee upon whom the notice is served shall acknowledge receipt thereof in writing and shall state his or her capacity and, where practicable, his or her age.

(3) As from the date on which a notice referred to in subsection (2) has been served -

- (a) any registration certificate issued in terms of this Act to the person concerned shall be deemed to be cancelled; and
- (b) such person shall cease to practise the profession in respect of which such person was registered or to perform any act which such person, in his or her capacity as a registered person, was entitled to perform,

until such time as the name of such person is restored to the register concerned.

(4) If any registered person has been declared a mentally ill person under the Mental Health Act, 1973 (Act 18 of 1973), the Registrar of the High Court shall forward a copy of the order declaring such person a mentally ill person to the secretary of the Board who shall, on receipt of such copy, remove the name of the person concerned from the register concerned.

(5) The name of a person which has been removed from a register or any entry removed from a register in terms of subsection (1) may upon application, in the form as may be determined by the Minister, by such person to the secretary of the Board be restored to such register.

(6) The provisions of section 13 shall apply *mutatis mutandis* to an application in terms of subsection (5) as well as any further and other conditions which the Board may impose.

Copy of register as proof.

**16.** A copy of every register concerned and signed by the secretary 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 under the provisions of this Act: Provided that in the case of any person whose name -

- (a) does not appear in such copy but ought to appear in such register, a certified copy under the hand of the secretary of the entry of the name of such person in such register, shall be proof that such person is registered under the provisions of this Act;
- (b) has been removed from such register and has not been restored thereto, a certificate under the hand of the secretary that the name of such person has been removed from such register shall be proof that such person is not registered under the provisions of this Act.

Duplicate registration certificates and extracts from registers.

**17. (1)** Upon receipt of an application by a registered person and upon payment of the prescribed fee the secretary of the Board may issue to such person a duplicate registration certificate or furnish such person with a certified extract from the register concerned.

(2) A receipt in respect of the payment of annual fees issued to any person by the Board shall in any legal proceedings be *prima facie* proof of such person's registration under this Act.

Qualifications prescribed for registration as pharmacist.

**18. (1)** Subject to the provisions of subsection (2), the Minister may from time to time, upon the recommendation of the Board, prescribe the qualifications obtained by virtue of examinations conducted by any educational

**PHARMACY PROFESSION ACT, 1993**

institution or other examining authority, which, when held singly or conjointly with any other qualification, shall entitle any holder thereof to registration under this Act as a pharmacist, if he or she has, before or in connection with or after the acquisition of the qualification in question, complied with such conditions or requirements as may be so prescribed.

(2) No qualification obtained by virtue of examinations conducted by an educational institution or other examining authority situated outside Namibia shall be prescribed under this section unless -

- (a) such qualification entitles the holder thereof to practise as a pharmacist in the country or state in which such educational institution or other examining authority is situated; and
- (b) the Board is satisfied that possession of such qualification is of a standard of professional education not lower than that prescribed in terms of subsection (1) in respect of pharmacists, within Namibia.

Conditional registration.

**19.** (1) Any person not in possession of a qualification prescribed in terms of section 18 and who lodges an application for registration with the Board may, subject to the provisions of section 20, be registered by the Board if -

- (a) such applicant possesses any qualification which the Board is satisfied is indicating a standard of professional education not lower than that prescribed in terms of section 18;
- (b) such applicant has received such additional tuition or training, whether within or outside Namibia, as may be prescribed upon the recommendation of the Board; and
- (c) such applicant has passed the additional examinations, whether within or outside Namibia, as may be prescribed upon the recommendation of the Board.

(2) For the purposes of the provisions of paragraphs (b) and (c) of subsection (1), the Board may register such applicant conditionally for such period or periods as the

**PHARMACY PROFESSION ACT, 1993**

Board may determine and on such conditions subject to which such applicant may practise as a pharmacist as may be so determined until such time as such applicant has completed the additional tuition or training referred to in the said paragraph (b) or until such time as such applicant has passed the additional examinations referred to in the said paragraph (c).

(3) The Board may, before issuing a conditional registration certificate in terms of subsection (2), require the applicant concerned, at such date and venue as may be determined by the Board, to be examined by examiners appointed by the Board, to ascertain whether such applicant -

(a) possesses professional knowledge and skill which is of a standard not lower than that required in respect of pharmacists within Namibia; and

(b) is proficient in the official language of Namibia.

(4) The Minister may, from time to time and upon the recommendation of the Board, prescribe the examinations to be conducted in terms of subsection (3) and the examination fees payable to the Board by such applicant.

(5) As soon as an applicant has complied with the provisions of subsection (1)(b) and upon expiry of the period determined by the Board in terms of subsection (2) any person in possession of a conditional registration certificate may apply to the Board to sit for the additional examinations prescribed in terms of subsection (1)(c).

(6) Any person who possesses a qualification referred to in paragraph (a) of subsection (1) may, upon application, be exempted by the Minister from any restriction or condition imposed in respect of him or her by or under the provisions of this section.

Issuing of registration certificates replacing conditional registration certificates.

**20.** Any person to whom a conditional registration certificate has been issued in terms of section 19 may, as soon as such person has complied with the provisions of that section and the conditions determined by the Board, apply to the Board for registration *mutatis mutandis* in accordance with the provisions of section 13.

Registration of persons for purposes of educational demonstration.

**21.** (1) Notwithstanding any provisions of this Act, the Board may, for the purpose of promoting any edu-

cation in respect of the pharmacy profession, register any person not permanently resident in Namibia for such period and subject to such conditions as the Board may determine.

(2) Any person registered in terms of subsection (1) may at any institution approved for that purpose by the Board give educational demonstrations relating to the pharmacy profession.

Registration of persons for purposes of post-graduate studies.

**22.** (1) Notwithstanding any provisions of this Act, the Board may, for the purpose of subsection (2), register as a pharmacist any person having such training and qualifications as the Board may deem satisfactory.

(2) Any person registered in terms of subsection (1) shall only be entitled to engage in such post-graduate studies and at such educational institution as approved by the Board, and subject to such conditions as may be determined by the Board.

Practical training a prerequisite for registration as a pharmacist.

**23.** (1) Notwithstanding anything to the contrary contained in this Act, no person who has obtained a qualification referred to in section 18 shall be registered as a pharmacist under this Act unless such person 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 Namibia in a pharmacy approved by the Board and by virtue of a contract of training lodged with the secretary of the Board 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 pharmacist intern 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).

(3) For the purposes of this Act, any person who, immediately prior to the date of commencement of this Act, served as a trainee pharmacist in terms of the provisions of any law shall, with effect from that date, be



**PHARMACY PROFESSION ACT, 1993**

deemed to have so served as a pharmacist intern, and any contract of training lodged in respect of such person shall, from that date, be deemed to be a contract approved by the Board as contemplated in subsection (1)(a).

Registration of pharmacists' assistants.

**24.** (1) Any person who has either obtained credit for the first 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 is in possession of a qualification contemplated in subsection (3) may on payment of the prescribed fees be registered as a pharmacist's assistant.

(2) Any person holding a degree, diploma, certificate or any other qualification in pharmacy which he or she has obtained outside Namibia and which is not a degree, diploma, certificate or qualification which, when held singly or conjointly with any other qualification shall entitle the holder thereof to registration as a pharmacist under this Act, may on payment of the prescribed fees be registered as a pharmacist's assistant provided -

- (a) such person has complied with the prescribed requirements; and
- (b) the Board is satisfied that such person is suitable to be registered as such.

(3) The Board may by notice in the *Gazette* make rules regarding the recognition by the Board of a qualification acquired in Namibia entitling the holder thereof to be registered as a pharmacist's assistant and the conditions subject to which such registration may take place.

Body corporate carrying on business as pharmacist.

**25.** (1) Subject to the other provisions of this section, a body corporate desiring to be registered as a body corporate entitled to carry on business as a pharmacist, shall in the prescribed manner and furnishing the prescribed particulars, apply to the Board for such registration.

(2) Notwithstanding anything to the contrary contained in this Act, a body corporate shall be registered in terms of subsection (1) and may carry on business in Namibia as a pharmacist only if the body corporate has as its managing director of its business in Namibia a pharmacist who is a Namibian citizen or is lawfully admitted to

**PHARMACY PROFESSION ACT, 1993**

Namibia for permanent residence therein and is resident in Namibia, and who is not, save as provided in subsection (5), engaged in the business of a pharmacist which does not belong to the said body corporate either alone or in partnership with another person.

(3) The managing director referred to in subsection (2) 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 or she satisfies the Board that the responsibility for such act rests upon a pharmacist other than himself or herself employed by the body corporate.

(4) Any person who contravenes or fails to comply with any provision of this section or who refuses or fails to answer any inquiry made by or on behalf of the Board as to the name of the managing director or any other director of or any other person employed by a body corporate referred to in this section shall be guilty of an offence and on conviction be liable to a fine not exceeding R2 000.

(5) 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 or she shall not in respect of the body corporate of which he or she is not a managing director perform any act referred to in section 29(1)(b)(i) and (ii) or any other act of a similar nature specially pertaining to the profession of a pharmacist.

(6) (a) A body corporate which carries on or desires to carry on business as a retail pharmacist may carry on business as such if it is a private company having a share capital and has been incorporated and registered as such under the Companies Act, 1973 (Act 61 of 1973).

(b) Notwithstanding anything to the contrary contained in the Companies Act, 1973 (Act 61 of 1973) -

(i) only natural persons who are pharmacists may hold the shares of a company referred to in paragraph (a) or have any interest in such shares: Provided that in the event of any person dying or ceasing to qualify so to hold

shares of such company, any shares of it held by him or her prior thereto, may continue to be held by him or her or his or her estate for a period of six months or such longer period as the Board may determine;

- (ii) no voting rights, except in respect of a resolution enabling such company to comply with the provisions of this section or to dispose of its undertaking or assets or any part thereof, shall attach to any share held in terms of the proviso to subparagraph (i) and the holder of any such share shall not receive any director's fees or remuneration;
  - (iii) every holder of shares of such company other than a person referred to in the proviso to subparagraph (i) shall be deemed to be a director of the company, and no other person who is not such a holder shall be a director of that company;
  - (iv) the name of such company shall consist of the name or names of any of the members or former members of such company or of persons who carried on, either for their own account or in partnership, any pharmacy business which may reasonably be regarded as a predecessor of the business of the company: Provided that the words "and associates" or "and company" may be included in the name of that company.
- (7) (a) The board may cancel any registration referred to in section 14(1)(a)(vi) and any certificate issued in respect thereof if -
- (i) the managing director referred to in subsection (2) ceases to comply with the requirements set out in that paragraph or ceases to be or to act as managing director of the pharmacy business of the body corporate in Namibia;
  - (ii) after an inquiry held under section 34 the Board finds that any director of the body corporate has contravened any provision of this Act;

(iii) the body corporate in terms of paragraph (b) ceases to be entitled to carry on business as a pharmacist;

(iv) in the case of a body corporate referred to in subsection (6), that body corporate no longer complies with the provisions of that subsection.

(b) A body corporate shall not carry on business as a pharmacist unless it holds a valid certificate referred to in paragraph (a) 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 subsection (2) 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 in fact to manage the business of the body corporate or is for any reason unable to act as such, or ceases to comply with the requirements set out in that subsection, or if the said certificate is cancelled, the body corporate may nevertheless carry on the business of a pharmacist during a period of 30 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 secretary within 30 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.

(8) Notwithstanding anything to the contrary in this Act contained the Board may under this section cancel the registration of any body corporate carrying on the business of a retail pharmacy in respect of which it was registered under a provision of any law in force in Namibia immediately prior to the date of commencement of this Act, if, on or after such date, the body corporate disposes

of the whole or any part of its interest in that business in respect of which it was so registered to any person other than a pharmacist or if, on or after such date, any person other than a pharmacist acquires any shareholding in the body corporate carrying on business as a retail pharmacy.

Prohibition of opening, purchase or acquisition of certain pharmacies by certain bodies corporate.

**26. (1)** No body corporate, other than a body corporate which complies with the provisions of section 25(6) shall open, purchase or otherwise acquire a pharmacy in which the business of a retail pharmacy is carried on or acquire any share in such pharmacy.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000.

Educational institutions to furnish Board with certain particulars.

**27. (1)** Every educational institution at which a qualification can be obtained entitling the holder thereof to registration with the Board shall furnish the Board upon its request, with full particulars as to -

- (a) the minimum age and standard of general education required of students for admission to the relevant course or field of study;
- (b) the courses of study, training and examinations required of a student before such qualification is granted;
- (c) particulars of examinations conducted and the results thereof in respect of a specific student or of a specific category of students; and
- (d) such other particulars relating to any of the matters referred to in paragraph (a), (b) or (c) as the Board may from time to time require.

(2) If any educational institution referred to in subsection (1) fails or refuses to furnish the particulars requested by the Board under that subsection or if it appears to the Board that any provision of this Act which applies to such educational institution is not properly being complied with and that such improper compliance is having or may have an adverse effect on the standard of the education in respect of the professional training concerned to be maintained at such educational institution the Minister may, upon the recommendation of the Board, by notice in the *Gazette* declare that any qualification

specified in such notice and granted by such educational institution after a date specified in such notice shall, subject to the provisions of subsection (4), not entitle any holder thereof to registration under this Act.

(3) Upon the recommendation of the Board, the Minister may, when it appears to him or her that satisfactory provision has been made for complying with the requirements of this Act by any educational institution in respect of any qualification which is the subject of a notice issued under subsection (2), repeal or amend any notice published in terms of that subsection.

(4) Upon the recommendation of the Board the Minister shall, in the notice published in terms of subsection (3), determine whether or not any qualification granted subsequent to the date specified in the notice published in terms of subsection (2) and granted by the educational institution referred to in such notice, entitles the holder of such qualification to registration in terms of this Act.

(5) The Board may from time to time appoint a person to investigate whether the minimum requirements laid down by the Board are being complied with by an educational institution and to report to the Board thereon.

Registration and use of additional qualifications, and registration of specialities.

**28.** (1) Every person who desires to have a prescribed qualification registered other than the qualification by virtue of which such person has in the first instance been registered or to have a prescribed speciality registered shall, -

- (a) upon application in the form determined by the Minister; and
- (b) subject to the provisions of subsection (2), upon payment of the prescribed fee,

be entitled to have such other qualification or such speciality entered in the register concerned.

(2) If a person wishes to register a qualification or speciality not prescribed in terms of this Act, the Board may, before entering such qualification or speciality into the register, require of such applicant to pass an examination prescribed by the Minister, upon the recom-

mentation of the Board, in order to determine whether the applicant's professional knowledge and skill in the field of his or her qualification or speciality are of such a standard so as to enable such person to practise as a pharmacist or the speciality concerned.

(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 such person holds any professional qualification which is not shown in the register in connection with the name of such person, nor shall any registered person practise as a specialist or hold himself or herself out to be a specialist unless his or her speciality has been registered in terms of this section.

(4) The Board may remove from the register concerned any qualification or speciality registered in terms of this section, if -

- (a) in the case of such qualification, the name of the holder thereof has been removed from the roll or register of the educational institution which had granted such qualification to such applicant;
- (b) the Board is satisfied that such qualification or speciality does not comply with the requirements as prescribed;
- (c) the person in respect of whom a qualification or speciality is registered, requests in writing the Board to remove such qualification or speciality from such register.

(5) Any qualification or speciality removed from a register in terms of subsection (4) shall be restored to such register by the secretary of the Board upon such person -

- (a) applying for such restoration in the form and manner determined by the Minister;
- (b) paying the fee prescribed in respect of such restoration; and
- (c) complying with such other requirements (if any) as the Board may determine.

## PART IV

## OFFENCES BY UNREGISTERED PERSONS

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

29. (1) Subject to the provisions of subsection (2), any person not registered as a pharmacist who -

- (a) for gain practises as a pharmacist or carries on business as a pharmacy, whether or not purporting to be registered as such;
- (b) for gain -
  - (i) prepares or compounds any medicine or medicinal or chemical substance for supply as a medicine;
  - (ii) compounds or supply any medicine on the prescription of a medical practitioner, dentist or veterinarian;
  - (iii) manufactures medicine or supervises the manufacture thereof;
  - (iv) furnishes advice to any person with regard to any medicine supplied to him or her; or
  - (v) performs any act prescribed as an act which may be performed only by a pharmacist or a pharmacist intern; or
- (c) pretends, or by any means whatsoever holds himself or herself out to be a pharmacist (whether or not he or she purports to be registered as a pharmacist), or uses any name, title, description or symbol indicating or calculated to lead any person to infer that he or she possesses any pharmaceutical qualification or that he or she is registered as a pharmacist or that he or she in describing his or her business activities or premises, whether directly or indirectly, uses the expression or term "pharmacist" or "chemist's shop" or "pharmacy" or "drug store", or any other expression or term with a similar or related meaning,



shall be guilty of an offence and on conviction be liable to a fine not exceeding R12 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

(2) The provisions of subsection (1) shall not prohibit -

- (a) the keeping of medicines or the supply of medicines to his or her own patients by any medical practitioner, dentist or veterinarian;
- (b) the employment under the supervision of a pharmacist -
  - (i) of a pharmacist intern in the pharmacy in which he or she is undergoing his or her practical training;
  - (ii) of a pharmacist's assistant or pharmaceutical technician;
- (c) under the supervision of a medical practitioner or pharmacist, the handling of medicines or the supply of medicines to members of the armed forces by members of the medical service of the armed forces, provided such members of the said medical service have undergone training therein;
- (d) under the direction of a medical practitioner and in accordance with the provisions of the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965), the keeping of medicines and its supply to patients in hospitals or other institutions for the treatment of sick persons by any person registered or enrolled under the Nursing Professions Act, 1993;
- (e) the keeping of medicines and its supply by any person or organization performing a health service and authorized in writing by the Permanent Secretary acting after consultation with the Board, to acquire medicines for the performance of such service;
- (f) under the supervision of -

- (i) any officer in the employ of the Ministry of Health and Social Services authorized thereto in writing by the Permanent Secretary, the keeping of medicines for the prevention of any contagious or communicable disease determined by the Minister;
- (ii) any medical practitioner, dentist, pharmacist, any officer referred to in subparagraph (i) or any person registered or enrolled under the Nursing Professions Act, 1993, the supply of such medicines.

## PART V

### CONDUCT OF PHARMACEUTICAL PRACTICE

Pharmacy to be under continuous personal supervision of a pharmacist.

**30.** (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.

(2) Subject to the provisions of section 25, 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 R4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Restriction in respect of business names.

**31.** (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.

(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 25, of the surname of any director thereof who is a pharmacist;
- (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 consist 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 R4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

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

**32.** 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 one year 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 cor-

porate, 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 or her own affairs may, subject to the law relating to mental health, for a period not exceeding one year 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.

## PART VI

### DISCIPLINARY POWERS OF BOARD

Rules by Board relating to improper conduct or misconduct.

33. (1) The Board shall from time to time issue rules specifying the acts or omissions by registered persons which constitute improper conduct or misconduct and in respect of which the Board may conduct inquiries and may take disciplinary steps in terms of the provisions of this Part.

(2) No rules issued 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*.

(3) The provisions of this section shall not prohibit the Board from conducting an inquiry into any conduct or behaviour of any registered person, whether or not such conduct or behaviour is an act or omission referred to in subsection (1).

Inquiry by Board into complaints, charges or allegations or improper conduct or misconduct.

34. (1) The Board shall have power to inquire -

- (a) into any complaint or charge; or
- (b) whether or not a complaint or charge has been lodged with the Board, into any allegation,

**PHARMACY PROFESSION ACT, 1993**

of improper conduct or misconduct against any registered person, and on finding such person guilty of such conduct, to impose any of the penalties referred to in section 37: Provided that 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 disposed of.

(2) The Board may -

- (a) when it is in doubt as to whether an inquiry should be held 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;
- (b) for the purpose of an inquiry in terms of subsection (1), permit or request any person to give evidence at such inquiry or to advise the Board on any matter in respect thereof.

Procedures at inquiries.

35. (1) Any inquiry in terms of section 34(1) shall, subject to the provisions of this section, be conducted in accordance with the prescribed procedures.

(2) The proceedings at such inquiry shall, in so far as is practicable, be minuted *verbatim* and the minutes of such inquiry shall be certified by the members of the Board present at such meeting as being a true and accurate account of the evidence given at such inquiry, the exhibits presented and of the decision of the Board.

(3) The minutes of an inquiry referred to in subsection (2) shall for a period of at least five years be kept in safe-custody by the secretary of the Board and shall for the purpose of an appeal in terms of section 54 be *prima facie* proof of the proceedings at such inquiry and the decisions taken by the Board as a result of such inquiry.

(4) Any person in respect of whom an inquiry in terms of section 34 is to be held shall be notified in writing of such inquiry at least 21 days before the date of commencement of such inquiry by the delivery to such person personally of a notice in the prescribed form informing such person of the intended inquiry and

obtaining from such person an acknowledgement of receipt stating the date, place and time of the service of such notice.

(5) Service of a notice in terms of subsection (4) shall be performed by the secretary of the Board or by a person designated for such purpose by the secretary.

(6) In the event of the secretary of the Board or the person designated in terms of subsection (5) certifying that -

- (a) the person upon whom the notice is to be served cannot be traced;
- (b) such person refuses to accept such notice; or
- (c) such person refuses to sign the required acknowledgement of receipt,

the secretary may send such notice by registered letter to such person to his or her address as it appears in the register of the Board: Provided that such notice shall be so sent not less than 14 days prior to the date of the intended inquiry.

(7) In the event of a person served with a notice in terms of subsection (4) or to whom a notice has been sent in terms of subsection (6), not being present at the commencement of an inquiry, the president of the Board may at his or her discretion have such inquiry conducted in the absence of such person.

- (8) (a) For the purpose of an inquiry in terms of section 34 the Board may summon witnesses to appear at a specified date, place and time to give evidence before the Board and to submit to the Board any document, book, record or other thing relevant to the inquiry.
- (b) A summons to appear before the Board or a committee thereof as a witness or to produce to it any document, book, record or thing referred to in paragraph (a), shall be substantially in the prescribed form and signed by the president or secretary of the Board, and shall be served either by registered letter or in the same manner as it would have been served if it were a subpoena issued by a magistrate's court.

**PHARMACY PROFESSION ACT, 1993**

- (c) Any person who, having duly been summoned -
- (i) refuses or without sufficient cause fails to attend the inquiry in question at the time and place specified in the summons; or
  - (ii) refuses to take the prescribed oath or to make an affirmation when required by the person presiding at such inquiry to do so; or
  - (iii) leaves the inquiry in question without the consent of the person presiding at such inquiry, whether or not such person has given evidence; or
  - (iv) refuses to give evidence before the Board or refuses to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her or refuses to produce any document, book, record or thing which such person has in terms of the summons been required to produce,

shall be guilty of an offence and on conviction be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(9) Every person summoned in terms of subsection (8) shall be entitled to all the privileges to which a witness subpoenaed to give evidence before the High Court is entitled.

(10) Every person whose conduct is the subject of an inquiry under section 34 shall, if such person is present at such inquiry, have the right, by himself or herself or through a legal representative, to answer any complaint, charge or allegation against him or her and to be heard in his or her defense, and for such purpose -

- (a) to give evidence under oath or affirmation;
- (b) to call witnesses to testify on his or her behalf;
- (c) to submit any document, book, record or any other thing relevant to the inquiry;

**PHARMACY PROFESSION ACT, 1993**

(d) to examine witnesses testifying against him or her.

(11) The president of the Board, where the Board itself holds an inquiry in terms of section 34 or the chairperson of a committee of the Board, where such committee holds an inquiry under powers assigned or delegated to it by the Board, may appoint a person with adequate experience in the administration of justice to be present as an assessor at such an inquiry and to advise the Board or such committee, as the case may be, on matters of law, procedure or evidence.

(12) For the purpose of the computation of any period referred to in subsections (4) and (6), no Saturday, Sunday or public holiday shall be regarded as a day referred to in those subsections.

Penalty for false evidence.

**36.** Any person who gives false evidence on oath at any inquiry held under this Part, knowing such evidence to be false, shall be guilty of an offence and on conviction be liable to the penalties prescribed by law for the crime of perjury.

Penalties to be imposed by Board.

**37. (1)** Every person registered under this Act who, after an inquiry held by the Board, is found guilty of improper conduct or misconduct, shall be liable to one or more of the following penalties, namely -

- (a) a caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from practising or performing acts specially pertaining to the profession of a pharmacist or if such person is a pharmacist intern or a pharmacist's assistant, from performing such acts as he or she may perform in terms of this Act; or
- (c) removal of the name of such person from the register concerned,

and the Board may in lieu of or in addition to any such penalty impose a fine not exceeding R2 000: Provided that, before imposition of any penalty such person shall, by himself or herself or through his or her legal representative, be afforded an opportunity of tendering an explanation to the Board in extenuation of the conduct in question.



(2) Any fine imposed under subsection (1) may be recovered and shall be dealt with in the manner prescribed.

(3) The Board shall set out fully and in writing its findings and the penalty imposed (if any), and shall make such findings and penalty known to any other prescribed bodies or persons.

(4) Any person who has been found guilty of improper conduct or misconduct shall whether or not such person was present at the inquiry in question -

(a) in the case of a penalty imposed under subsection (1)(a), be informed of the findings of the Board and penalty concerned by the forwarding of a copy of such findings and penalty duly signed by the person presiding at the inquiry, by registered letter to such person at his or her address as it appears in the register of the Board;

(b) in the case of a penalty imposed under subsection (1)(b) or (c), be informed of the findings of the Board and the penalty concerned by the serving upon such person *mutatis mutandis* in accordance with the provisions of section 15(2), of a copy of such findings and penalty, duly signed by the person who presided at the inquiry.

(5) When a person has been found not guilty of improper conduct or misconduct the secretary of the Board shall by registered letter to such person at his or her address as it appears in the register concerned inform such person of the findings of the Board.

(6) 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

(b) on payment of the prescribed fee, restore to the register concerned any name which has been removed therefrom.

Postponement of imposition of penalties and suspension of operation of penalties.

**38.** (1) Where the Board finds a person guilty of improper conduct or misconduct, it may -

- (a) postpone for such period and on such conditions as may be determined by it, the imposition of the penalty; or
  - (b) impose any penalty mentioned in paragraph (b) or (c) of section 37(1), but order the execution of such penalty to be suspended for such period and on such conditions as may be determined by it.
- (2) (a) If at the end of the period for which the imposition of a penalty has been postponed in terms of subsection (1)(a) the Board is satisfied that the person concerned has observed all the relevant conditions, the Board shall inform such person that no penalty will be imposed upon him or her.
- (b) If the execution of a penalty has been suspended in terms of subsection (1)(b) and -
- (i) the Board is satisfied that the person concerned has observed all relevant conditions throughout the period of suspension the Board shall inform such person that such penalty will not be executed; or
  - (ii) the person concerned fails to observe any of the conditions of suspension the Board shall put such penalty into operation unless such person satisfies the Board that the non-observance of the condition concerned was due to circumstances beyond his or her control.

Effect of suspension or removal from registers.

**39.** Every person who has been suspended or whose name has been removed from the register concerned in terms of section 37 shall be disqualified from carrying on his or her profession and his or her registration certificate shall be deemed to be cancelled until the period of suspension has expired or until his or her name has been restored to such register by the Board.

Cognizance by Board of conduct of registered persons under certain circumstances.

**40. (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 Part, if the Board is of the opinion that such offence constitutes improper conduct or misconduct, and such person shall be liable on proof of such

conviction to any one or more of the penalties referred to in section 37: Provided that, before imposition of any penalty, such person shall, by himself or herself or through his or her legal representative, be afforded an opportunity of tendering an explanation to the Board in extenuation of the conduct in question.

(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 conduct or misconduct on the part of a registered person, the court shall direct that a copy of the record of such proceedings or such portion thereof as is material to such conduct, be transmitted to the Board.

Appointment of *pro forma* complainants.

41. (1) If the Board exercises the powers conferred upon it by section 34, it shall appoint any person as *pro forma* complainant to present the case to the Board: Provided that the secretary for the time being or any member of the Board shall not be so appointed.

(2) The Board may, subject to the provisions of the proviso to subsection (1), appoint any person to institute proceedings or to continue proceedings if the person appointed under that subsection is for any reason unable to do so.

Limitation of liability.

42. The Board or any committee thereof or any member of the Board or such committee shall not be liable in respect of anything done or omitted in good faith and not attributable to negligence in the exercise of a power or the carrying out of a duty or the performance of a function under or by virtue of the provisions of this Part or in respect of anything that may result therefrom.

Restriction in, or suspension from, practice of incapable, unfit or incompetent registered persons.

43. (1) When it appears to the Board that any registered person concerned -

- (a) has become mentally or physically disabled to such an extent that it would be contrary to the public interest to allow such person to continue to practise;
- (b) has become unfit to purchase, acquire, keep, use, administer, order, supply or possess any scheduled substance;

**PHARMACY PROFESSION ACT, 1993**

- (c) has, subject to the provisions of subsection (6), used, possessed, administered or supplied any scheduled substance for any purpose other than a medicinal purpose as defined in the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965); or
- (d) has become addicted to any scheduled substance or dependence-producing drug,

the Board shall cause the matter to be investigated and may, if it deems it necessary, conduct an inquiry *mutatis mutandis* in accordance with the provisions of this Part in respect of such person.

(2) If the Board, after having conducted an inquiry referred to in subsection (1), finds that any of the circumstances contemplated in paragraph (a), (b), (c) or (d) of that subsection exist in respect of such person, the Board may, by order -

- (a) in the case of a person in respect of whom any of the circumstances contemplated in paragraph (a) of subsection (1) exist -
  - (i) suspend such person for such period and subject to such conditions as the Board may determine from practising his or her profession or performing any act specially pertaining to his or her profession; or
  - (ii) impose such restrictions and conditions as the Board may deem fit, subject to which such person shall be entitled to continue practising his or her 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) exist -
  - (i) impose upon such person any of the penalties referred to in section 37(1);
  - (ii) prohibit such person from purchasing, acquiring, keeping, using, administering, dispensing, ordering, supplying or possessing any scheduled substance;

(iii) prohibit, for such period and on such conditions as the Board may impose, such person from purchasing, acquiring, keeping, using, administering, dispensing, ordering, supplying or possessing any scheduled substance.

(3) The Board may at any time withdraw or extend the period of or amend any order made by it under subsection (2).

(4) The provisions of section 39 shall apply *mutatis mutandis* in respect of any person who has been suspended or whose name has been removed from the register concerned 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 and on conviction be liable to a fine not exceeding R12 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

(6) The provisions of subsection (1)(c) shall not apply if any scheduled substance is administered -

- (a) in terms of an authority granted by the Minister;
- (b) subject to such conditions as may be stated in such authority; and
- (c) to the particular person mentioned in such authority.

## PART VII

### GENERAL AND SUPPLEMENTARY PROVISIONS

Authorization to practise professions in employment of State.

**44.** (1) Notwithstanding anything to the contrary in this Act or in any other law contained, but subject to the provisions of this section, the Minister may, on application of any person who is not registered under this Act as a pharmacist, pharmacist intern or pharmacist's assistant, but who -

**PHARMACY PROFESSION ACT, 1993**

- (a) in terms of the laws of any other country or state approved by the Minister for that purpose, is entitled to practise as a pharmacist without further examination or training in that country or state; or
- (b) although he or she is not entitled to practise as contemplated in paragraph (a), at any educational institution situated outside Namibia obtained a qualification or received education in pharmacy which in the opinion of the Minister indicates a satisfactory standard of professional education; and
- (c) complies with such further conditions or requirements as the Minister may determine,

grant a written authority to such person to practise as a pharmacist, or to serve as a pharmacist intern or pharmacist's assistant.

(2) Any person to whom a written authority has been granted under subsection (1) -

- (a) shall be entitled to practise as a pharmacist or to serve as a pharmacist intern or a pharmacist's assistant -
  - (i) only in the employment of the State and in such hospital, clinic or similar institution within Namibia;
  - (ii) for the period; and
  - (iii) subject to -
    - (aa) such restrictions in respect of his or her professional activities; and
    - (bb) such further conditions, including the condition that he or she may only practise as such subject to such supervision,

as may be determined by the Minister and specified in such written authority;

(b) shall, subject to any restriction or condition imposed in respect of him or her under the provisions of paragraph (a), be competent and entitled to perform any act falling within the scope of the profession of a person who is registered under this Act as a pharmacist, pharmacist intern or pharmacist's assistant, as the case may be, and which he or she could have performed if he or she had been registered as such under this Act.

(3) The Minister may, at his or her discretion -

(a) at any time amend or revoke any restriction or condition imposed under subsection (2);

(b) at any time impose such further and additional restrictions and conditions as he or she may determine;

(c) extend from time to time the period for which such authority has been granted;

(d) at any time suspend, for such period and subject to such conditions as he or she may determine, any written authority granted under subsection (1); or

(e) at any time withdraw any such authority.

(4) Any person who desires to obtain a written authority under the provisions of subsection (1) shall apply therefor in such form and such manner as may be determined by the Minister, and such application shall be accompanied by -

(a) the qualification or qualifications on account of which the applicant so applies;

(b) such proof of the applicant's identity and good character and of the fact that he or she is entitled to practise the profession of a pharmacist or to serve as a pharmacist intern or pharmacist's assistant, as the case may be, and of any qualification or qualifications which may be required by the Minister, including the authenticity and validity thereof as may be so required;

(c) such application fees as may be determined by the Minister; and

(d) any further documents or information as may be required by the Minister.

(5) No application referred to in subsection (1) shall be granted unless the Board has been consulted by the Minister in regard thereto.

(6) Before granting an application referred to in subsection (1), the Minister may require of the applicant concerned to sit for an examination before an examiner or examiners appointed by the Minister for the purpose of ascertaining whether the applicant, to the satisfaction of the Minister, possesses sufficient professional knowledge and skill.

(7) (a) The provisions of Part IV of this Act shall *mutatis mutandis* apply to or in relation to any person authorized under this section to practise the profession of a pharmacist, or to serve as a pharmacist intern or a pharmacist's assistant, as the case may be, as if such person were registered under this Act as such.

(b) Any reference in those provisions to a pharmacist, pharmacist intern or pharmacist's assistant shall be construed as including a reference to any person authorized under this section to practise or to serve as such, but subject to any condition or restriction imposed by or under this section.

(8) For the purpose of the provisions of any other law, any reference to a pharmacist, pharmacist intern or pharmacist's assistant shall be construed as including a reference to a person authorized under this section, to practise or to serve as such, but subject to any condition or restriction imposed by or under this section.

Offences relating to registration, registers and impersonation.

**45. Any person who -**

(a) procures or attempts to procure for himself or herself or for 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 and abets any person in so doing; or
- (b) makes or causes to be made any unauthorized entry into or alteration in or removal from a register or certified copy thereof or extract therefrom or on any certificate issued under this Act; or
- (c) makes or causes to be made a false statement in connection with the identity or qualifications of himself or herself or any other person applying for registration in terms of this Act; or
- (d) except on the instructions of the Council or of the Board, wilfully renders illegible or damages or destroys or causes to be rendered illegible, damaged or destroyed any entry in a register or a certificate issued under this Act; or
- (e) forges, or knowing it to be forged, utters any document purporting to be a document authorized or issued under this Act; or
- (f) impersonates any registered person,

shall be guilty of an offence and on conviction be liable to a fine not exceeding R12 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Charges by pharmacists.

46. (1) No pharmacist shall make or attempt to make or to recover, or enter into any agreement or associate himself or herself 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 or her in his or her capacity as a pharmacist.

(2) Any pharmacist who contravenes any provision of subsection (1) shall be guilty of improper conduct as contemplated in section 34 and the Board shall take cognizance of and deal with such conduct in terms of the provisions of Part VI.

Commission on prescriptions.

47. (1) No pharmacist shall pay to any person any commission or in any other manner reward him or her in connection with a prescription which a medical practitioner, dentist or veterinarian has furnished.

(2) Any pharmacist who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction be liable to a fine not exceeding R12 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Onus of proof.

**48.** (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-sheet, such person shall, until the contrary is proved, be deemed to have been unregistered or not to have been in possession of such document at the time of the commission of the alleged offence.

(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 or her for gain, the accused shall be deemed to have performed such act for gain if he or she has accepted any consideration of whatsoever nature in respect of such act.

Limitations in respect of unregistered persons and proof required for the issue of licences.

**49.** (1) No remuneration shall be recoverable in respect of any act specially pertaining to the profession of a registered person when performed by a person who is not registered under this Act to perform such act for gain.

(2) 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 in terms of the provisions of this Act 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 to such authority a registration certificate or certified extract from the register referred to in section 17(1) as proof that he or she is registered as a pharmacist.

Investigation of matters relating to the training of certain persons.

**50.** (1) Notwithstanding anything to the contrary in this Act or in any other law contained, any person who has been authorized in writing by the Board to investigate any matter relating to the tuition or training of any person registered under this Act, which tuition or training shall have the purpose of qualifying such person for the

**PHARMACY PROFESSION ACT, 1993**

practising of a profession contemplated in this Act, may, for the purpose of such investigation and upon the producing of such written authorization, enter any premises or institution utilized in the tuition or training of such person.

(2) Any person who prevents any person authorized in terms of subsection (1) from entering any premises or institution referred to in that subsection or hinders such person in such investigation shall be guilty of an offence and on conviction be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Regulations.

**51.** (1) The Minister may, on the recommendation of the Board, make regulations relating to -

- (a) the entering into of agreements by or on behalf of the Board, the handling of funds by and the book-keeping of the Board;
- (b) the allowances payable to members of the Board or a committee thereof for services rendered for or on behalf of the Board or committee: Provided that -
  - (i) the allowances payable to a member who is in the full-time employment of the State shall not exceed the allowances payable to such member under the Public Service Act, 1980 (Act 2 of 1980);
  - (ii) no such member shall be required to pay into the State Revenue Fund any allowances paid to him or her in terms of any regulations made under this paragraph;
- (c) except as otherwise provided in this Act, any fees payable under this Act, including fees in respect of the registration of any pharmacy or the registration of any person under this Act or of a body corporate carrying on business as a pharmacist or of a managing director of any such body corporate, and the exemption from payment of any such fees;

**PHARMACY PROFESSION ACT, 1993**

- (d) the form of the registers and certificates to be kept or which may be issued in terms of this Act and the manner in which alterations may be effected to such registers;
- (e)
  - (i) the registration by the Board of students studying or training at an educational institution;
  - (ii) the removal from the register by the Board of the names of students;
  - (iii) the standards or nature of education or training required of such students as a condition precedent to registration;
  - (iv) the duration of the curricula or training courses to be followed by such students at such educational institutions;
  - (v) the minimum requirements of the curricula and the standards or nature of education or training and examinations which shall be maintained by every educational institution at which education in the pharmacy profession is provided in order to comply with the requirements of the Board for recognition of the qualifications for the purpose of registration under this Act;
- (f)
  - (i) the registration by the Board of pharmacist interns;
  - (ii) the form of the contract between the pharmacist and the pharmacist intern referred to in section 23;
  - (iii) the practical training to be undergone by such pharmacist intern;
  - (iv) the accommodation facilities, material, equipment and other requisites to be provided in a pharmacy where a pharmacist intern is being trained;
  - (v) the appointment of persons to inspect pharmacies where it is proposed to train pharmacist interns or where pharmacist interns are being trained;

**PHARMACY PROFESSION ACT, 1993**

- (vi) the appointment of persons to be appointed in terms of subparagraph (v) and the fees payable to them by the Board in respect of inspections done by them;
- (g) (i) the registration by the Board of pharmaceutical technicians and pharmacists' assistants;
- (ii) the persons required to be registered as pharmaceutical technicians or pharmacists' assistants and the circumstances under which such persons shall be required to be so registered;
- (iii) the penalties for practising as a pharmaceutical technician or a pharmacist's assistant, or for professing to be registered as such, while unregistered;
- (iv) the acts which may be performed only by a pharmaceutical technician or by a pharmacist's assistant, as the case may be;
- (v) the training and the educational or other qualifications required for registration as pharmaceutical technicians or pharmacists' assistants;
- (h) the minimum ages of persons eligible for registration under this Act;
- (i) the qualifications which may be registered as additional qualifications in terms of section 28, including the curricula, the period and nature of tuition and training, the examinations to be passed and the educational institutions where such training may be completed;
- (j) (i) the registration of specialities in terms of section 28;
- (ii) the requirements to be complied with, including the experience to be obtained, the nature and duration of the training to be completed and the qualifications to be held by persons registered under this Act before any speciality may be registered;

**PHARMACY PROFESSION ACT, 1993**

- (iii) the circumstances in which any applicant for the registration of a speciality may be exempted from any of such requirements; and
- (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 his or her name;
- (k) the professional practice and ethical standards of the pharmacy profession and the conduct of the business of a pharmacist;
- (l)
  - (i) the convening of meetings and the manner of conduct of and the procedures for any election of members of the Board; and
  - (ii) the requirements for a quorum of any meeting and the valid nomination of a candidate for any election as member of the Board;
- (m) the instituting and conducting of an inquiry under section 34, including -
  - (i) the procedure for lodging a complaint, charge or allegation against registered persons;
  - (ii) the procedures for informing any person against whom a complaint, charge or allegation has been lodged of such complaint, charge or allegation and the particulars thereof and the securing at an inquiry of the presence of witnesses;
  - (iii) the taking of evidence, recording of the proceedings and action against any person who refuses to answer questions or who in any way obstructs, disturbs or disrupts any proceedings; and
  - (iv) any other matter relating to the instituting and conducting of such an inquiry;

**PHARMACY PROFESSION ACT, 1993**

- (n) the manner in which the Board may perform or execute any power or function in terms of this Act; and
- (o) generally all other matters which are by this Act required or permitted to be prescribed or which are necessary or expedient to be prescribed in order to achieve the purposes of this Act.

(2) Any regulation made under this section may, except as otherwise provided in this Act, prescribe a fine not exceeding R2 000 or imprisonment for a period not exceeding six months as a penalty for the contravention of such regulation or failure to comply therewith or both such fine and such imprisonment.

Levying of annual fees on registered persons.

**52.** (1) The Minister may, upon the recommendation of the Board, by notice in the *Gazette* determine the fees to be paid annually to the Board by all persons registered under this Act with the Board: Provided that in determining such fees the Minister may differentiate between persons or categories of persons according to whether they have been registered before or after a date specified in the notice.

(2) If any person liable to pay any annual fee prescribed in terms of subsection (1) fails or refuses to pay such fee within the period specified in the notice in question the Board may recover such fee by action in a competent court, whether or not such person's name has been removed from the register concerned.

(3) If any person whose name has been removed from a register in terms of this Act applies for the restoration of his or her name to such register the Board shall not consider such application for restoration until such time as the applicant has paid in full all amounts payable by him or her to the Board under this Act.

(4) The Board may by resolution exempt any person in part or fully from payment to the Board of any annual fee determined in terms of subsection (1).

Delegation of powers.

**53.** (1) The Minister may, on such conditions as he or she may deem fit, in writing delegate any power conferred upon him or her by this Act to the Permanent Secretary excluding any power conferred by section 51.

(2) The Permanent Secretary may, on such conditions as he or she may deem fit and with the approval of the Minister, delegate any power conferred upon or entrusted to him or her in terms of this Act, to any officer in the Ministry of Health and Social Services.

Right of appeal to Council.

**54. (1)** Any person aggrieved by the Board's decision or finding -

- (a) to refuse to register him or her or to enter in, or to restore to, the appropriate register any degree, diploma, certificate, additional qualification or speciality which he or she desires, and maintains he or she is entitled, to have it so entered or restored in terms of the provisions of this Act;
- (b) to remove from the register his or her name or any degree, diploma, certificate, additional qualification or speciality which he or she maintains he or she is entitled to have it entered in the register in terms of the provisions of this Act;
- (c) to impose any penalty or fine on him or her or, by order, any restriction in, or condition on, or suspension from, practice of him or her,

shall have the right, within a period of 30 days from the date on which the decision or finding was made, to by notice in writing appeal to the Council against such decision or finding, as the case may be: Provided that the Council may on good cause shown, allow an appeal to be lodged after such period.

(2) Unless otherwise provided in this Act, the right of appeal to the Council referred to in subsection (1) shall be subject to the provisions of any law which prescribe the procedures which have to be followed in the exercise of that right and which regulate the proceedings of that Council in respect of appeals to it.

(3) The Council 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 finding 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.



Existing profession.

55. (1) Any person who immediately prior to the commencement of this Act, was registered to practise as a pharmacist under any law repealed by this Act or authorized to practise as such under the Health Service Professions Proclamation, 1989 (Proclamation AG. 70 of 1989), shall, subject to the provisions of subsections (2), (3) and (4) and any restriction, condition or penalty imposed upon him or her in relation to his or her profession, and provided such person is resident in Namibia at such commencement, be deemed to have been registered as a pharmacist under this Act.

(2) Any person referred to in subsection (1) shall, within a period of 90 days from the date of the constitution of the Board as contemplated in section 5(3), or such further period as the Minister may on good cause shown allow, apply to the Board in the manner and form determined by the Minister for his or her registration with the Board and submit together with such application his or her present certificate of registration or authorization, as the case may be, and thereupon he or she shall be entitled to registration as such: Provided that nothing in this subsection contained shall be construed as prohibiting the Minister, in the circumstances referred to in section 56, from exercising any power conferred on him or her under that section, to so register any such person as if he or she were the Board.

(3) Any person referred to in subsection (1) shall, upon the expiry of the period or further period referred to in subsection (2), as from the date of such expiry or the date on which any application for registration referred to in the said subsection (2) has been disposed of, whichever date is the later date, be deemed not to be registered as contemplated in the said subsection (1).

(4) The provisions of this section shall apply *mutatis mutandis* in respect of -

- (a) any additional qualifications or speciality registered in respect of any person referred to in those provisions;
- (b) a pharmacist intern or pharmacist's assistant, as the case may be.

Minister temporarily to exercise powers and perform functions and duties of Board.

**56. (1)** Subject to the provisions of subsection (3), the Minister may, until the Board has been constituted in terms of section 5(3), exercise any of the powers and perform any of the functions and duties of the Board conferred or imposed upon it in terms of this Act.

(2) The Minister may, when he or she exercises any of the powers and performs any of the functions and duties referred to in subsection (1), appoint not more than four pharmacists resident in Namibia, as may be determined by the Minister, to assist or advise him or her in relation to such exercise or performance of such powers, duties and functions.

(3) Any power exercised or any function or duty performed by the Minister by virtue of the provisions of this section, shall be deemed to have been so exercised or performed by the Board.

Repeal of laws and saving.

**57. (1)** Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed to the extent set out in the third column of the said Schedule.

(2) Any notice, regulation, rule, authorization, order or approval issued, made or granted or any appointment, agreement, or any other thing done in terms of a provision of any law repealed by subsection (1) shall, except in so far as may be otherwise required by this Act, be deemed to have been issued, made, granted or done under the corresponding or allied provisions of this Act.

Short title and commencement.

**58.** This Act shall be called the Pharmacy Profession Act, 1993, and shall come into operation on a date to be determined by the Minister by notice in the *Gazette*.

## SCHEDULE

### LAWS REPEALED (Section 57(1) )

No. and year of law	Short title	Extent of repeal
Act 53 of 1974	Pharmacy Act, 1974	The whole.
Act 36 of 1977	Health Laws Amendment Act, 1977	Sections 9, 10 and 11.