

REPUBLIC
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REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6628

Regulasiekoerant

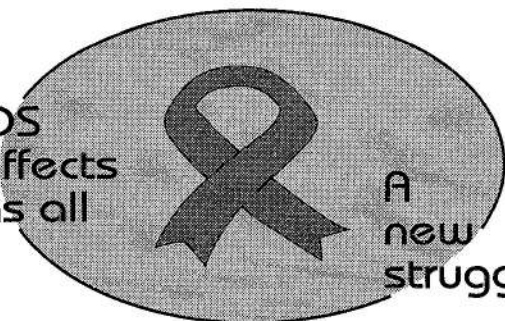
Vol. 411

PRETORIA, 10 SEPTEMBER 1999

No. 20444

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

0800 012 322

DEPARTMENT OF HEALTH

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 1085

10 September 1999

PHARMACY ACT, 1974 (ACT NO. 53 OF 1974)

REGULATIONS RELATING TO THE CONDUCT OF INQUIRIES HELD IN TERMS OF CHAPTER V OF THE ACT

The Minister of Health intends, in terms of section 49(1)(o) of the Pharmacy Act, 1974 (Act No. 53 of 1974), in consultation with the South African Pharmacy Council, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments on the proposed regulations or representations they wish to make in regard thereto to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Chief Director: Pharmaceutical Services), within two months of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations, any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates:

"committee of formal inquiry" means a committee appointed by the council in terms of section 4 of the Act to conduct formal inquiries in terms of chapter IV of these regulations: Provided that no person who served on the committee of preliminary investigation or the committee of informal inquiry in connection with a complaint may serve on the committee of formal inquiry in respect of the same complaint;

"committee of informal inquiry" means a committee appointed by the council in terms of section 4 of the Act to conduct informal inquiries in terms of chapter

III of these regulations: Provided that no person who served on the committee of preliminary investigation in connection with a complaint may serve on the committee of informal inquiry in respect of such a complaint;

"committee of preliminary investigation" means a committee appointed by the council in terms of section 4 of the Act to conduct a preliminary investigation in terms of chapter II of these regulations;

"complaint" means any information regarding the unprofessional conduct by a person registered in terms of the Act, which comes to the attention of the registrar or the council, or a complaint, charge or allegation of unprofessional conduct against such person;

"consent order" means the finding made and the penalty imposed by the committee of informal inquiry in terms of an agreement between itself, the *pro forma* complainant and the respondent, which shall be worded in the format determined in Annexure A1;

"formal inquiry" means a formal hearing by the committee of formal inquiry for adjudicating a complaint against a person registered in terms of the Act on the basis set out in chapter IV of these regulations;

"informal inquiry" means an informal and cost-effective peer review process by the committee of informal inquiry which allows for a complaint against a person registered in terms of the Act being resolved by means of negotiation on the basis set out in chapter III of these regulations;

"preliminary investigation" means the assessment of a complaint by the committee of preliminary investigation on the basis as set out in chapter II of these regulations for the purpose of deciding whether the complaint should be the subject of an informal or formal inquiry;

"pro forma complainant" means the person appointed by the committee of preliminary investigation to represent the actual complainant and to present the complaint to the relevant committee in an informal or formal inquiry in terms of these regulations;

"respondent" means a person registered in terms of the Act whose conduct is the subject of a preliminary investigation, informal- and/or formal inquiry in terms of these regulations;

"the Act" means the Pharmacy Act, 1974 (Act No. 53 of 1974).

Chapter I

Investigation of a complaint

2. A complaint shall be investigated in accordance with these regulations.
3. The registrar shall:
 - (1) if he or she deems it necessary, before acting in terms of regulation 2 or before referring a complaint to the committee of preliminary investigation, be entitled to:
 - (a) consult with or seek further information regarding the complaint from any person, including the respondent;
 - (b) subpoena any person who on reasonable grounds is believed to be in possession of a document, photo, computer record, contract, book, item, article, administrative or financial record or computer data relevant to the complaint in order to make same available to the registrar before the date determined by the registrar in the subpoena (Annexure C) for the purpose of investigating a complaint in terms of these regulations;
 - (c) appoint a person in terms of section 38A of the Act to enter any business premises during business hours in order to obtain documents, photos, computer records, contracts, books, items, articles, administrative or financial records or computer data relevant to the complaint: Provided that the person so appointed shall:
 - (i) present written proof of his or her appointment to the

person apparently in charge of such premises at the time of his or her visit;

- (ii) explain the nature of the complaint and the purpose of his or her visit to the person referred to in subparagraph (i);
- (iii) restrict his or her investigation and seizure referred to in subparagraph (iv) to evidence relevant to the complaint;
- (iv) prepare an inventory of anything legally seized in terms of these regulations and require the person apparently in charge of such premises at the time of his or her visit to counter-sign such an inventory;
- (v) where possible, ensure that a copy of the inventory referred to in subparagraph (iv) is given to the respondent;

(d) seek legal advice or other assistance regarding the complaint;

(2) if he or she is of the opinion that the complaint constitutes *prima facie* proof of unprofessional conduct, inform the respondent in writing of the nature of the complaint and furnish such particulars regarding the complaint as is available and request the respondent to respond in writing to such complaint and furnish reasons why he or she is of the opinion that the complaint does not constitute unprofessional conduct, before a date determined by the registrar, and warn the respondent that his or her written response and reasons may be used as evidence at any subsequent preliminary, informal or formal inquiry.

(3) on the request of the complainant furnish the complainant with a copy of the respondent's reply if the registrar received a response from the respondent or, in the absence of such request, at his or her discretion;

4. The registrar shall after having investigated the complaint in terms of regulation 3, notwithstanding whether or not a response was received from

the respondent as referred to in regulation 3(2), be entitled:

- (1) if he or she is of the opinion that a further inquiry in terms of these regulations would not be appropriate, to inform the complainant and the respondent, where applicable, accordingly;
- (2) if he or she is of the opinion that further inquiry in terms of these regulations would be appropriate, to refer the matter to the committee of preliminary investigation with the relevant documentation and his or her recommendation as to whether or not the complaint should proceed to an informal or formal inquiry.

Chapter II

Preliminary investigation

5. If the committee of preliminary investigation receives a complaint from the registrar, it shall be entitled to:

- (1) (a) consult with or seek further information regarding the complaint from any person, including the respondent;
- (b) subpoena any person who on reasonable grounds is believed to be in possession of a document, photo, computer record, contract, book, item, article, administrative or financial record or computer data relevant to the complaint to make same available to the committee of preliminary investigation before the date determined by the registrar in the subpoena (Annexure C) for the purpose of investigating such a complaint in terms of these regulations;
- (c) appoint a person in terms of section 38A of the Act to enter any business premises during business hours in order to obtain documents, photos, computer records, contracts, books, items, articles, administrative or financial records or computer data relevant to the complaint: Provided that the person so appointed shall:

- (i) present written proof of his or her appointment to the person apparently in charge of such premises at the time of his or her visit;
 - (ii) explain the nature of the complaint and the purpose of his or her visit to the person referred to in subparagraph (i);
 - (iii) restrict his or her investigation and seizure referred to in subparagraph (iv) to evidence relevant to the complaint;
 - (iv) prepare an inventory of anything legally seized in terms of these regulations and require the person apparently in charge of such premises at the time of his or her visit to counter-sign such an inventory;
 - (v) where possible, ensure that a copy of the inventory referred to in subparagraph (iv) is given to the respondent.
- (d) seek legal advice or other assistance regarding the complaint;
- (2) if it is of the opinion that the complaint constitutes *prima facie* proof of unprofessional conduct, inform the respondent in writing of the nature of the complaint and furnish such particulars regarding the complaint as is available and request the respondent to respond in writing to such complaint and furnish reasons why he or she is of the opinion that the complaint does not constitute unprofessional conduct, before a date determined by the committee of preliminary investigation, and warn the respondent that his or her written response and reasons may be used as evidence at any subsequent informal or formal inquiry.
6. The committee of preliminary investigation shall take the following factors into consideration in deciding whether it would be appropriate to hold an informal or formal inquiry:
- (a) the nature of the complaint;

- (b) the consequences of the alleged unprofessional conduct of the respondent for the complainant, the general public, the council, the respondent, the pharmacy profession and/or any other interested parties;
- (c) the complexity of the unprofessional conduct complained of;
- (d) the penalty which the committee of preliminary investigation foresees could be imposed by the committee of informal inquiry or the committee of formal inquiry if the respondent is found guilty of unprofessional conduct; and
- (e) any other matter not referred to in paragraphs (a) to (d), which in the opinion of the committee of preliminary investigation warrants the holding of an informal inquiry or a formal inquiry in terms of these regulations.

7. The committee of preliminary investigation, after having investigated the complaint and after having considered the recommendation of the registrar referred to in regulation 4(2), whether or not a response is received from the respondent as referred to in regulation 5(2), shall:

- (1) if it is of the opinion that a further inquiry in terms of these regulations would not be appropriate, inform the complainant and the respondent, where applicable, accordingly;
- (2) if it is of the opinion that it would be appropriate to hold an informal inquiry:
 - (a) prepare a notice in the format determined in Annexure A in terms of which the respondent is notified to attend an informal inquiry at a time, date and venue as indicated by the *pro forma* complainant in such notice;
 - (b) appoint a *pro forma* complainant to represent the actual complainant and present the complaint in an informal inquiry in terms of these regulations;

- (c) instruct the committee of informal inquiry in writing to hold an informal inquiry at a time, date and venue as indicated by the *pro forma* complainant in the notice referred to in paragraph (a).
- (3) if it is of the opinion that it would be appropriate to hold a formal inquiry:
- (a) appoint a *pro forma* complainant to represent the actual complainant and present the complaint in a formal inquiry in terms of these regulations, with a right to appoint a legal representative to assist him or her;
 - (b) instruct the committee of formal inquiry in writing to hold a formal inquiry in terms of these regulations.

Chapter III

Informal inquiry

8. The *pro forma* complainant appointed in terms of regulation 6(2)(b) shall:
- (a) determine a date, time and venue for the informal inquiry;
 - (b) submit a notice referred to in regulation 6(2)(a) to the respondent by registered post addressed to his or her last known registered address and furnish the respondent with such relevant documents not previously furnished to him or her;
 - (c) furnish the members of the committee of informal inquiry with a copy of the notice and copies of all the relevant documents.
9. The respondent shall be entitled to exercise one of the following three options:
- (1) if he or she agrees with the contents of the proposed consent order attached to the notice, he or she shall complete and sign it before a

commissioner of oaths and return it to the committee of informal inquiry before the date of the informal inquiry in which case the committee of informal inquiry will on the date scheduled for such inquiry make a finding and impose a penalty in accordance with the consent order;

(2) if he or she disagrees with the contents of the proposed consent order, attached to the notice and prefer to present his or her case to the committee of informal inquiry, he or she shall:

(a) complete Annexure A2, sign and return it the committee of informal inquiry before the date of the informal inquiry; and

(b) appear in person at the informal inquiry to:

(i) hand in written submissions to the committee of informal inquiry; or

(ii) lead oral evidence; or

(iii) present argument;

in order to amend the contents of the consent order;

(3) if he or she prefers that the complaint be adjudicated by the committee of formal inquiry he or she shall complete Annexure A3, sign and return it to the committee of informal inquiry before the date of the informal inquiry, in which case the matter shall on the date scheduled for such inquiry be referred to the committee of formal inquiry to be dealt with in accordance with the procedure determined in chapter IV of these regulations.

10. If the respondent fails to exercise any of the options in regulation 8, or fails to respond to the notice referred to in regulation 7, the committee of informal inquiry shall refer the matter to the committee of formal inquiry to adjudicate the complaint in accordance with the procedure determined in chapter IV of these regulations.

11. On the date determined for an informal inquiry the committee of informal inquiry shall:
 - (1) if the respondent has elected to proceed in terms of regulation 9(1), make a finding and impose a penalty in accordance with the consent order signed by the respondent and instruct the *pro forma* complainant to inform the respondent accordingly;
 - (2) if the respondent elects to proceed in terms of regulation 9(2), proceed to hold an informal inquiry in terms of this chapter;
 - (3) if the respondent elects to proceed in terms of regulation 9(3), refer the matter to the committee of formal inquiry to be dealt with in accordance with the procedure determined in chapter IV of these regulations.
12. The *pro forma* complainant and the respondent shall be entitled to request the registrar to summon all persons whom they wish to testify as witnesses on their behalf at the informal inquiry, in terms of a subpoena which shall be in the same format as determined in Annexure C.
13. The informal inquiry shall take the format of an inquisitorial investigation: Provided that both the *pro forma* complainant and the respondent shall be given an opportunity to present his or her case by means of written submissions, oral evidence and argument: Provided further that neither the *pro forma* complainant nor the respondent shall be entitled to legal representation at the informal inquiry.
14. The committee of informal inquiry shall, at the completion of an informal inquiry:
 - (1) if it is able to negotiate a consent order acceptable to the *pro forma* complainant, the respondent and the committee of informal inquiry, draft a consent order as agreed, which shall be worded in the format determined in Annexure A1, request the respondent and the *pro forma* complainant to sign such a consent order, make a finding and impose the penalty agreed to in the consent order;

- (2) if it is unable to negotiate a consent order acceptable to the *pro forma* complainant, the respondent and the committee of informal inquiry, instruct the committee of formal inquiry in writing to hold a formal inquiry into the complaint against the respondent.
15. No finding made or penalty imposed by the committee of informal inquiry in terms of a consent order referred to in regulation 12(1) shall constitute a previous conviction in any subsequent inquiry of a complaint against the respondent in terms of these regulations.

Chapter IV

Formal inquiry

16. Once the committee of preliminary investigation or the committee of informal inquiry has referred a complaint to the committee of formal inquiry, the *pro forma* complainant appointed in terms of regulation 6(2)(b) shall:
 - (1) determine a date, time and venue for the formal inquiry;
 - (2) prepare a notice in the format determined in Annexure B, in terms of which the respondent is notified to attend a formal inquiry at a time, date and venue indicated by the *pro forma* complainant in such notice;
 - (3) inform the members of the committee of formal inquiry accordingly and furnish them with a copy of the notice and all relevant documents.
17. The notice referred to in regulation 14(2) shall be served on the respondent or mailed to him or her at his or her last known registered address by prepaid registered post.
18. The *pro forma* complainant and the respondent shall be entitled to request the registrar to summon all persons whom they wish to testify as witnesses on their behalf at the formal inquiry, in terms of a subpoena which shall be in the same format as determined in Annexure C.

19. If witnesses are summoned at the instance of the respondent, the registrar may require the respondent to deposit a sum of money with the council sufficient to cover the fees and expenses referred to in regulation 18.
20. The party at whose request a witness is subpoenaed to appear and give testimony at a formal inquiry shall be liable to pay fees according to the tariff applicable to civil cases in a Magistrate's court and compensate such witness for any reasonable expenses which had to be incurred in order to attend the formal inquiry.
21. The committee of formal inquiry shall appoint a chairperson from its members.
22. At a formal inquiry held in terms of these regulations the procedure set out below shall be followed.
23. The *pro forma* complainant shall read out the notice addressed to the respondent, unless the respondent is absent or the respondent or his or her legal representative indicates that it is not required.
24. The respondent or, if he or she is not present, his or her legal representative shall be asked by the chairperson of the committee of formal inquiry to plead guilty or not guilty to the charge, and the plea shall be recorded.
25. The *pro forma* complainant and the respondent shall both be given the opportunity of concisely summarising the complaint and the defence thereto, respectively.
26. If a plea of guilty is entered and the committee of formal inquiry is of the opinion that further information is required for purposes of coming to a finding on whether the complaint constitutes unprofessional conduct on the part of the respondent, it shall be entitled to call any of the witnesses summoned on behalf of the *pro forma* complainant or the respondent to give oral evidence on oath or affirmation and to accept any documentary evidence relevant to the complaint which it deems necessary, before coming to a finding.
27. If the respondent, or his or her legal representative, refuses or fails to plead directly to the charge, this shall be recorded and a plea of not guilty shall be

entered, and a plea so entered shall have the same result as if it had in fact been so pleaded.

28. In the case of a plea of not guilty, first the *pro forma* complainant, and thereafter the respondent, shall be given the opportunity of leading evidence in support of the complaint and the defence, respectively.
29. If the respondent is neither present nor represented, his or her written defence, statement(s) or explanations made by him or her or on his or her behalf before the formal inquiry, if any, shall constitute his or her defence and shall be submitted by the *pro forma* complainant to the committee of formal inquiry.
30. The committee of formal inquiry may, after the parties have closed their cases, in its discretion:
 - (1) allow further evidence to be led;
 - (2) recall witnesses lead by either the *pro forma* complainant, or the respondent.
31. The committee of formal inquiry may in its discretion call further witnesses or recall a witness to be questioned by members of the committee of formal inquiry, thereafter by the respondent and then by the *pro forma* complainant or their legal representatives.
32. The chairperson of the committee of formal inquiry:
 - (1) may put questions to any witness called on behalf of or by the *pro forma* complainant or respondent and allow other members of the committee of formal inquiry to put questions to such a witness;
 - (2) shall before re-examination of such witness by the party who called such witness, allow further cross-examination arising from questions put by the chairperson and other members;
 - (3) shall, after the cross-examination referred to in regulation 30(2), allow

the party who called the witness an opportunity to re-examine the witness on matters raised in cross-examination or with regard to questions put to such a witness by the chairperson or other members of the committee of formal inquiry.

33. After all evidence has been lead:

- (1) the *pro forma* complainant shall be given an opportunity to address the committee of formal inquiry on the evidence and the legal position;
- (2) the respondent or his or her representative shall thereafter likewise be given an opportunity to address the committee of formal inquiry;
- (3) the *pro forma* complainant shall be given an opportunity to reply to the arguments raised by or on behalf of the respondent.

34. If the respondent, or his or her legal representative, is not present at the formal inquiry, it shall proceed in the respondent's absence and a plea of not guilty shall be entered, unless the respondent has in writing pleaded guilty to the charge against him or her, in which case it shall be entered as his or her plea.

35. All oral evidence shall be taken on oath or affirmation by the chairperson of the committee of formal inquiry.

36. Evidence on affidavit shall be admissible on the basis determined in the Civil Proceedings Evidence Act, 1965 (Act No. 25 of 1965), or any common law principle applicable to civil litigation.

37. The record or any part thereof, of a lawfully constituted court, inquest or statutory body shall be accepted as *prima facie* evidence if it has been certified to be a true copy: Provided that if it is practicable and appears just, the committee of formal inquiry may call a witness whose evidence appears in such record to give evidence at the formal inquiry.

38. Upon the conclusion of the formal inquiry, the committee of formal inquiry shall deliberate *in camera* on a finding.

39. If a respondent is found not guilty of the complaint made against him or her, he or she shall be informed accordingly forthwith and the committee of formal inquiry shall report its finding to the council.
40. If the committee of formal inquiry determines that sufficient facts were presented during the formal inquiry which proved the complaint, it shall decide whether the complaint constitutes unprofessional conduct, or conduct which, when regard is had to the respondent's profession, is unprofessional, and it shall announce its finding in open meeting.
41. If a respondent is found guilty by the committee of formal inquiry, the *pro forma* complainant shall adduce evidence of previous convictions, excluding a finding or penalty imposed by the committee of informal inquiry, of the respondent under the Act, if such convictions are recorded against the respondent in the records of the registrar: Provided that notice of the intention to do so was given to the respondent by the *pro forma* complainant prior to the commencement of the inquiry.
42. Evidence of previous convictions referred to in regulation 39 shall be adduced by means of a certificate under the hand of the registrar indicating the nature of the complaint against the respondent at the time, the finding, the date of such finding and the penalty imposed.
43. A respondent shall be entitled to challenge the correctness of a certificate referred to in regulation 40, in which case a copy of the relevant record in the possession of the registrar and the minutes of the meeting of the council at which the finding and the penalty were confirmed or reported shall be produced, after which the fact of conviction shall be regarded as proof.
44. The respondent may, after proof of previous convictions by the *pro forma* complainant, if any, address the committee of formal inquiry or adduce evidence, either orally or in writing, in mitigation of a penalty to be imposed.
45. Any witnesses called in mitigation may be questioned by the members of the committee of formal inquiry and the *pro forma* complainant.

46. The *pro forma* complainant shall, after the respondent addressed the committee of formal inquiry or adduced evidence in mitigation of a penalty to be imposed, be given the opportunity to make representations to the committee of formal inquiry or lead evidence, either orally or in writing, regarding a suitable penalty to be imposed.
47. If the respondent is neither present nor represented, any written representation, statement or explanation made by him or her or on his or her behalf, which have a bearing on a penalty, shall be taken into account by the committee of formal inquiry.
48. The committee of formal inquiry shall deliberate *in camera* upon a penalty to be imposed and a cost order, referred to in section 40(3) of the Act, to be made.
49. The chairperson of the committee of formal inquiry shall announce the finding, the penalty imposed and the cost order made, if applicable, in open meeting.
50. The committee of formal inquiry shall report its finding, the penalty imposed and the cost order made, if any, to the council.
51. The registrar shall arrange for the publication in any one of the official languages in the *Gazette* and in the council's report of the name of the respondent, a summary of the complaint of which he or she has been found guilty, and the penalty which has been imposed.
52. The committee of formal inquiry may appoint and remunerate a person with experience in the administration of justice to be present at any inquiry -
 - (1) as an assessor; and/or
 - (2) to advise the committee of formal inquiry on matters of law, procedure and evidence.
53. Any decision of the committee of formal inquiry in regard to any point arising in connection with, or in the course of, an inquiry shall be communicated to

the persons concerned during such an inquiry.

54. The committee of formal inquiry may, of its own accord or at the request of the *pro forma* complainant or of the respondent or his or her legal representative, adjourn any inquiry being held in terms of these regulations, to be resumed at such date, time and place as the committee of formal inquiry may determine or as the registrar may by registered post communicate to the parties concerned.

Chapter V

General

55. Nothing in these regulations shall be construed as withdrawing from the council the right and power to deal with any complaint without referring it to the committee of preliminary investigation, informal inquiry or formal inquiry.
56. A disciplinary inquiry in terms of the regulations promulgated under Government Notice No. R. 353 of 2 March 1984 which commenced before a disciplinary committee immediately prior to the commencement of these regulations shall be conducted according to the procedures prescribed by the first-mentioned regulations as if they have not been withdrawn.
57. The regulations promulgated under Government Notice No. R. 353 of 2 March 1984 are hereby withdrawn.

DR M.E. TSHABALAL-MSIMANG

MINISTER OF HEALTH

DATE:

ANNEXURE A**THE SOUTH AFRICAN PHARMACY COUNCIL**

Case no:.....

In the matter between:

The *pro forma* complainant

and

..... (hereinafter referred to as "the respondent")

NOTICE TO ATTEND INFORMAL INQUIRY

1. The respondent is hereby summoned to appear before the committee of informal inquiry of the South African Pharmacy Council at (time) on (date) at 3rd floor SA Pharmacy Council Building, 591 Belvedere Street, Arcadia, 0083, to answer to the following complaint(s):

.....
.....
.....

[Add particulars of complaint(s)]

2. The respondent can make use of one of the following options:

- (1) Consent to finding and penalty

The respondent is entitled to consent to the committee of informal inquiry making the finding and imposing the penalty proposed in Annexure A1 by signing it before a commissioner of oaths and returning it to the *pro forma* complainant at the address indicated in Annexure A1, to reach the *pro forma* complainant before the date of the informal inquiry.

In the event of the respondent electing to consent to the proposed finding and penalty proposed in Annexure A1, and if such penalty involves the payment of a fine the respondent must submit one of the following with Annexure A1 to the *pro forma* complainant at the address indicated in Annexure A1:

- (a) Proof of payment (copy of deposit slip / electronic bank transfer) into the following account of the South African Pharmacy Council:

Bank :
Branch :
Branch code :
Account number :

- (b) postal order or cheque;
(c) credit card authorization; or
(d) a written request to pay the fine and/or the costs indicated in Annexure A1 in installments.

(2) Notice of intention to appear at informal inquiry

The respondent is entitled to give notice in terms of Annexure A2 that he or she shall attend the informal inquiry in person at the appointed time and date to avail him or herself of his or her rights in terms of Chapter III of the Regulations relating to the conduct of inquiries held in terms of chapter V of the Act (hereinafter referred to as "the Regulations") of which a copy is attached hereto.

Please note that in terms of regulation 11 of the Regulations neither the *pro forma* complainant nor the respondent are entitled to legal representation at the informal inquiry.

(3) Notice of intention to proceed to formal inquiry

The respondent is entitled to give notice in terms of Annexure A3 that he or she prefers that the complaint be adjudicated by the committee of formal inquiry in terms of chapter IV of the Regulations.

Please note that both the *pro forma* complainant and the respondent are entitled to legal representation at the formal inquiry.

3. General information regarding the options listed in paragraph 2

- (1) In the event of the respondent electing to consent to the finding and penalty referred to in paragraph 2(1), the committee of informal inquiry shall, on the date set for the informal inquiry, make the finding and impose the penalty determined in Annexure A1: Provided that such finding shall not constitute a previous conviction for purposes of regulation 39 of the Regulations in any subsequent inquiry into unprofessional conduct of the respondent.
- (2) In the event of the respondent electing to appear at the informal inquiry referred to in paragraph 2(2), the committee of informal inquiry shall on the date set for the informal inquiry:
 - (a) deal with the complaint(s) in accordance with the procedure determined in chapter III of the Regulations;
 - (b) make a finding on whether the facts proved to its satisfaction, constitutes unprofessional conduct;
 - (c) impose one of the penalties prescribed in section 45(1) of the Pharmacy Act, 1974 (Act No. 53 of 1974) (hereinafter referred to as "the Act") if it finds that the facts proved constitute unprofessional conduct;
 - (d) make an order as to costs in terms of section 40(3) of the Act; or

- (e) refer the matter for a formal inquiry by the committee of formal inquiry.
- (3) In the event of the respondent electing to proceed to a formal inquiry referred to in paragraph 2(3), the committee of informal inquiry shall, on the date set for the informal inquiry instruct the committee of formal inquiry to hold a formal inquiry, on the date, time and place and on such complaint(s) as the *pro forma* complaint may decide and of which the respondent will in due course be notified of.
- (4) In the event of the respondent failing to respond to this notice or to exercise an option referred to in paragraphs 2(1) to (3), the committee of informal inquiry shall on the date set for the informal inquiry refer the matter to the committee of formal inquiry to adjudicate the complaint in accordance with the procedure determined in chapter IV of the Regulations.
4. The respondent is hereby referred to the provisions of section 45B of the Act regarding the recovery of fines and cost orders.

Issued at Pretoria on by the *pro forma* complainant

***Pro forma* complainant**

ANNEXURE A1**THE SOUTH AFRICAN PHARMACY COUNCIL**

Case no:

In the matter between:

The *pro forma* complainant

and

..... (hereinafter referred to as "the respondent")

CONSENT ORDER

1. I, the undersigned
 (full names)

Identity number:

Residing at:

.....

.....

.....

hereby consent to the committee of informal inquiry:

(a) finding that the conduct that I have been charged with constitutes
 unprofessional conduct by me, in my capacity as a pharmacist;

(b) imposing the following penalty:

.....

.....

.....

.....

(c) making the following cost order:

"The respondent is ordered to pay the following costs:

Notice: R

Informal inquiry costs: R

Total: R"

2. I attach hereto:

- ☐ Proof of direct payment into the bank account of the South African Pharmacy Council;
- ☐ postal order / cheque; or
- ☐ authorization to the registrar of the Pharmacy Council of South Africa to debit my credit card, account number

VISA ☐ MASTER ☐

Expiry date

Signed at on

Respondent

Signed at on by the
respondent before me as commissioner of oaths, after having satisfied myself as to the
identity of the signatory and of the fact that the respondent knows and understands the
contents of this document and the effect thereof.

Commissioner of oaths

Note: Consent order to be submitted by the respondent to the *pro forma* complainant at the following address:

Full names:

Physical address:

.....

.....

.....

Telephone no: (.....)

ANNEXURE A2

THE SOUTH AFRICAN PHARMACY COUNCIL

Case no:.....

In the matter between:

The *pro forma* complainant

and

..... (hereinafter referred to as "the respondent")

NOTICE OF INTENTION TO APPEAR AT INFORMAL INQUIRY

1. Take notice that the respondent intends to appear in person before the committee of informal inquiry of the South African Pharmacy Council at (time) on (date) at 3rd Floor, SA Pharmacy Council Building, 591 Belvedere Street, Arcadia, 0007, to present his or her defence.
2. Take further notice that the respondent intends calling the following witnesses:

Full names:	Postal address	Physical address	Telephone no:
1.			
2.			
3.			

and requests the registrar to *subpoena* these witnesses.

Signed at on

Respondent

Note: Notice to be submitted by the respondent to:

- (a) The committee of informal inquiry
The South African Pharmacy Council
P.O. Box 40040
Arcadia
0007

AND

- (b) The *pro forma* complainant
P.O. Box 40040
Arcadia
0007

ANNEXURE A3

THE SOUTH AFRICAN PHARMACY COUNCIL

Case no:.....

In the matter between:

The *pro forma* complainant

and

..... (hereinafter referred to as "the respondent")

NOTICE OF INTENTION TO PROCEED TO FORMAL INQUIRY

The respondent hereby requests the committee of informal inquiry to refer the complaint to the committee of formal inquiry in terms of chapter IV of the Regulations relating to the conduct of inquiries held in terms of chapter V of the Act.

Signed at on

Respondent**Note:** Notice to be submitted by the respondent to:

- (a) The committee of informal inquiry
The South African Pharmacy Council
P.O. Box 40040
Arcadia
0007

AND

- (b) The *pro forma* complainant
P.O. Box 40040
Arcadia
0007

ANNEXURE B**THE SOUTH AFRICAN PHARMACY COUNCIL**

Case no:.....

In the matter between:

The *pro forma* complainant

and

..... (hereinafter referred to as "the respondent")

NOTICE TO RESPONDENT TO ATTEND FORMAL INQUIRY

You are hereby notified that the Pharmacy Council of South Africa (hereinafter referred to as "the council") or the committee of formal inquiry of the council intends to hold a formal inquiry on the day of at (time) (address) when the following complaint(s) which has/have been made against you will be considered:

"That you being a pharmacist, duly registered in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974) (hereinafter referred to as "the Act"), are guilty of unprofessional conduct in that you"

In terms of section 40(2) of the Act, you are entitled to attend the formal inquiry and to answer the complaint(s) and be heard in your defence, either by yourself or through your legal representative. Should you fail to appear, the council or the committee of formal inquiry may consider and deal with the complaint(s) in accordance with chapter IV of the Regulations relating to the conduct of inquiries held in terms of chapter V of the Act (hereinafter referred to as "the Regulations").

Should you desire your letter dated or any further written communication which you wish to make to constitute your explanation or defence, please inform me in writing to that effect as soon as possible but not later than but you are hereby warned that any such communication may be used in evidence.

A copy of the Regulations is enclosed.

Given on at
by the *pro forma* complainant.

***Pro forma* complainant**

ANNEXURE C**THE SOUTH AFRICAN PHARMACY COUNCIL**

Case no:.....

In the matter between:

The *pro forma* complainant

and

..... (hereinafter referred to as "the respondent")

SUMMONS TO APPEAR BEFORE THE COMMITTEE OF PRELIMINARY INVESTIGATION OR THE COMMITTEE OF INFORMAL- OR FORMAL INQUIRY OF THE SOUTH AFRICAN PHARMACY COUNCIL AND/OR TO PRODUCE DOCUMENTARY EVIDENCE IN TERMS OF THE REGULATIONS RELATING TO THE CONDUCT OF INQUIRIES HELD IN TERMS OF CHAPTER V OF THE ACT

Witness' (postal or physical) address:

.....

You, (name of witness) are hereby summoned to:

- (a) appear at (time) on (date) at (place)
 before the committee of preliminary investigation or the committee of informal- or formal inquiry of the South African Pharmacy Council (hereinafter referred to as "the council") established in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974), to give or produce evidence at an *investigation by the committee of preliminary investigation or at an inquiry by the committee of informal- or formal inquiry;

- (b) to submit to the registrar before (date) all documents, photos, computer records, contracts, books, items, articles, administrative or financial records or computer data relating to the following complaint(s):

.....
.....
.....

and you are hereby directed to bring with you such documents, photos, computer records, contracts, books, items, articles, administrative or financial records or computer data.

Given on (date) at (place)
under the hand of the registrar of the council.

REGISTRAR

Official seal

* delete whichever is not applicable

No. R. 1085

10 September 1999

REGULASIES BETREFFENDE DIE HOU VAN ONDERSOEKE KRAGTENS HOOFSTUK V VAN DIE WET

Die Minister van Gesondheid is voornemens om, kragtens artikel 49(1)(o) van die Wet op Aptekers, 1974 (Wet No. 53 van 1974), in oorleg met die Suid-Afrikaanse Aptekersraad, die regulasies in die Bylae uit te vaardig.

Belanghebbendes word versoek om binne twee maande na die datum van publikasie van hierdie kennisgewing gemotiveerde kommentaar oor of vertoë in verband met die voorgestelde regulasies in te dien by die Direkteur-generaal: Gesondheid, Privaatsak X828, Pretoria, 0001 (vir die aandag van die Hoofdirekteur: Farmaseutiese Dienste).

BYLAE

Woordomskrywings

1. In hierdie regulasies het enige uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken:

"die Wet" die Wet op Aptekers, 1974 (Wet No. 53 van 1974);

"formele ondersoek" 'n formele ondersoek deur die komitee van formele ondersoek om oor 'n klagte teen 'n persoon wat kragtens die Wet geregistreer is, uitspraak te doen, op die basis soos in hoofstuk IV van hierdie regulasies uiteengesit;

"informele ondersoek" 'n informele en koste-effektiewe proses van eweknie-evaluering deur die komitee van informele ondersoek wat voorsiening maak dat 'n klagte teen 'n persoon wat kragtens die Wet geregistreer is deur middel van onderhandeling op die basis soos in hoofstuk III van hierdie regulasies

uiteengesit, besleg word;

"klagte" enige inligting rakende onprofessionele gedrag deur 'n persoon kragtens die Wet geregistreer wat onder die aandag van die registrateur of die raad kom of 'n klagte, beskuldiging of bewering van onprofessionele gedrag teen sodanige persoon;

"komitee van formele ondersoek" 'n komitee deur die raad kragtens artikel 4 van die Wet aangestel om formele ondersoeke kragtens hoofstuk IV van hierdie regulasies te doen: Met dien verstande dat 'n persoon wat op die komitee van voorlopige ondersoek of die komitee van informele ondersoek met betrekking tot 'n klagte gedien het, nie op die komitee van formele ondersoek ten opsigte van dieselfde klagte mag dien nie;

"komitee van informele ondersoek" 'n komitee deur die raad kragtens artikel 4 van die Wet aangestel om informele ondersoeke ingevolge hoofstuk III van hierdie regulasies te doen: Met dien verstande dat 'n persoon wat op die komitee van voorlopige ondersoek met betrekking tot 'n klagte gedien het, nie ten opsigte van dieselfde klagte op die komitee van informele ondersoek mag dien nie;

"komitee van voorlopige ondersoek" 'n komitee deur die raad kragtens artikel van die Wet aangestel om 'n voorlopige ondersoek kragtens hoofstuk II van hierdie regulasies te doen;

"pro forma-klaer" die persoon deur die komitee van voorlopige ondersoek aangestel om die werklike klaer te verteenwoordig en om die klagte aan die relevante komitee in 'n informele of formele ondersoek kragtens hierdie regulasies, te stel;

"respondent" 'n persoon kragtens die Wet geregistreer wie se gedrag die onderwerp van 'n voorlopige ondersoek, informele- en/of formele ondersoek kragtens hierdie regulasies is;

"toestemmingsbevel" 'n bevinding gemaak en 'n straf opgelê deur die komitee van informele ondersoek kragtens 'n ooreenkoms tussen die komitee, die *pro forma-klaer* en die respondent, wat bewoord moet word in die formaat in Aanhangsel A1 bepaal;

“voorlopige ondersoek” die evaluering van 'n klagte deur die komitee van voorlopige ondersoek op die basis soos in hoofstuk II van hierdie regulasies uiteengesit vir doeleindes daarvan om te beslis of die klagte die onderwerp van 'n informele of formele ondersoek moet wees.

Hoofstuk I

Ondersoek van 'n klagte

2. 'n Klagte moet ooreenkomstig hierdie regulasies ondersoek word.
3. Die registrateur:
 - (1) is indien hy of sy dit nodig af, voordat kragtens regulasie 2 opgetree word of voordat 'n klagte na die komitee van voorlopige ondersoek verwys word, geregtig om:
 - (a) oorleg te pleeg met of verdere inligting betreffende die klagte van enige persoon, insluitende die respondent in te win;
 - (b) enige persoon te dagvaar van wie op redelike gronde geglo word in besit te wees van 'n dokument, foto, rekenaarrekind, kontrak, boek, item, artikel, administratiewe of finansiële rekord of rekenaardata relevant tot die klagte ten einde genoemde aan die registrateur voor die datum deur die registrateur in die dagvaarding (Aanhangsel C) bepaal, vir doeleindes van ondersoek van 'n klagte kragtens hierdie regulasies beskikbaar te stel;
 - (c) 'n persoon ingevolge artikel 38A van die Wet aan te stel om enige sakeperseel gedurende sake-ure binne te gaan ten einde dokumente, foto's, rekenaarrekinds, kontrakte, boeke, items, artikels, administratiewe of finansiële rekords of rekenaardata relevant tot die klagte te verkry. Met dien verstande dat die persoon so aangestel:
 - (i) skriftelike bewys van sy of haar aanstelling aan die persoon oënskynlik in beheer van sodanige perseel ten tye van sy

of haar besoek voorlê;

- (ii) die aard van die klagte en die doel van sy of haar besoek aan die persoon bedoel in subparagraaf (i) verduidelik;
- (iii) sy of haar ondersoek en beslaglegging bedoel in subparagraaf (iv) tot getuienis relevant tot die klagte beperk;
- (iv) 'n inventaris voorberei van enigiets waarop regmatiglik kragtens hierdie regulasies beslag gelê is, en van die persoon oënskynlik op die tydstip in beheer van sodanige perseel vereis om sodanige inventaris te mede-onderteken;
- (v) moet, waar moontlik, verseker dat 'n afskrif van die inventaris bedoel in subparagraaf (iv) aan die respondent gegee word.

(d) regsadvies of ander bystand betreffende die klagte in te win;

- (2) moet indien hy of sy van mening is dat die klagte *prima facie* bewys van onprofessionele gedrag uitmaak, die respondent skriftelik van die aard van die klagte inlig, en sodanige besonderhede betreffende die klagte wat beskikbaar is voorsien, en die respondent versoek om skriftelik op sodanige klagte te antwoord en redes te verstrek waarom hy of sy van mening is dat die klagte nie onprofessionele gedrag uitmaak nie, voor 'n datum deur die registrateur bepaal, en die respondent waarsku dat sy of haar geskrewe antwoord en redes as getuienis by enige daaropvolgende voorlopige, informele of formele ondersoek gebruik kan word.
- (3) moet op die versoek van die klaer 'n afskrif van die respondent se antwoord aan die klaer verskaf indien die registrateur 'n antwoord van die respondent ontvang het of, in die afwesigheid van sodanige versoek, volgens sy of haar diskresie.

- 4. Die registrateur sal, nadat die klagte kragtens regulasie 3 ondersoek is, ongeag of 'n antwoord van die respondent ontvang is of nie soos in regulasie 3(2)

bedoel, geregtig wees om:

- (1) indien hy of sy van mening is dat 'n verdere ondersoek kragtens hierdie regulasies nie toepaslik sal wees nie, die klaer en die respondent, waar van toepassing, dienooreenkomstig in te lig;
- (2) indien hy of sy van mening is dat 'n verdere ondersoek kragtens hierdie regulasies toepaslik sal wees, die aangeleentheid na die komitee van voorlopige ondersoek te verwys, met die tersaaklike dokumentasie, en sy of haar aanbeveling of die klagte na 'n informele of formele ondersoek moet oorgaan.

Hoofstuk II

Voorlopige ondersoek

5. Indien die komitee van voorlopige ondersoek 'n klagte van die registrateur ontvang, sal dit geregtig wees om:
 - (1) (a) oorleg te pleeg met of verdere inligting betreffende die klagte van enige persoon, insluitende die respondent in te win;
 - (b) enige persoon te dagvaar van wie op redelike gronde geglo word in besit te wees van 'n dokument, foto, rekenaarrekord, kontrak, boek, item, artikel, administratiewe of finansiële rekord of rekenaardata relevant tot die klagte ten einde genoemde aan die registrateur voor die datum deur die registrateur in die dagvaardiging (Aanhangsel C) bepaal vir doeleindes van ondersoek van 'n klagte kragtens hierdie regulasies beskikbaar te stel;
 - (c) 'n persoon ingevolge artikel 38A van die Wet aan te stel om enige sakeperseel gedurende sake-ure binne te gaan ten einde dokumente, foto's, rekenaarrekords, kontrakte, boeke, items, artikels, administratiewe of finansiële rekords of rekenaardata relevant tot die klagte te verkry: Met dien verstande dat die persoon so aangestel:

- (i) skriftelike bewys van sy of haar aanstelling aan die persoon oënskynlik in beheer van sodanige perseel ten tye van sy of haar besoek voorlê;
 - (ii) die aard van die klagte en die doel van sy of haar besoek aan die persoon in subparagraaf (i) bedoel verduidelik;
 - (iii) sy of haar ondersoek en beslaglegging in subparagraaf (iv) bedoel tot getuienis relevant tot die klagte beperk;
 - (iv) 'n inventaris voorberei van enigiets waarop regmatiglik kragtens hierdie regulasies beslag gelê is, en van die persoon oënskynlik op die tydstip in beheer van sodanige perseel vereis om sodanige inventaris te mede-onderteken;
 - (v) moet, waar moontlik, verseker dat 'n afskrif van die inventaris bedoel in subparagraaf (iv) aan die respondent gegee word.
- (d) regsadvies of ander bystand betreffende die klagte in te win;
- (2) indien hy of sy van oordeel is dat die klagte *prima facie* bewys van onprofessionele gedrag uitmaak, die respondent skriftelik van die aard van die klagte in te lig, en sodanige besonderhede betreffende die klagte wat beskikbaar is te voorsien, en die respondent te versoek om skriftelik op sodanige klagte te antwoord en redes te verstrek waarom hy of sy van mening is dat die klagte nie onprofessionele gedrag uitmaak nie, voor 'n datum deur die registrateur bepaal, en die respondent waarsku dat sy of haar geskrewe antwoord en redes as getuienis by enige daaropvolgende voorlopige, informele of formele ondersoek gebruik kan word.
6. Die komitee van voorlopige ondersoek moet die volgende faktore in ag neem ten einde te besluit of dit gepas sal wees om 'n informele of formele ondersoek te hou:
- (a) die aard van die klagte;

- (b) die gevolge van die beweerde onprofessionele gedrag van die respondent vir die klaer, die algemene publiek, die raad, die respondent, the aptekersprofessie en/of enige ander geïnteresteerde partye;
 - (c) die ingewikkeldheid van die onprofessionele gedrag waaroor gekla is;
 - (d) die straf wat die komitee van voorlopige ondersoek vooruitsien deur die komitee van informele ondersoek of die komitee van formele ondersoek opgelê kan word indien die respondent aan onprofessionele gedrag skuldig bevind word; en
 - (e) enige ander aangeleentheid wat nie na verwys is in paragrawe (a) tot (d) nie, wat in die opinie van die komitee van voorlopige ondersoek die hou van 'n informele ondersoek of 'n formele ondersoek kragtens hierdie regulasie regverdig.
7. Die komitee van voorlopige ondersoek moet nadat dit die klagte ondersoek het en die aanbeveling van die registrateur in regulasie 4(2) bedoel, oorweeg het ongeag of 'n antwoord van die respondent ontvang is of nie soos in regulasie 5(2) bedoel:
- (1) indien dit van oordeel is dat 'n verdere ondersoek kragtens hierdie regulasies nie toepaslik sal wees nie, die klaer en die respondent, waar van toepassing, dienooreenkomstig inlig;
 - (2) indien dit van mening is dat dit toepaslik sal wees om 'n informele ondersoek te hou:
 - (a) 'n kennisgewing, in die formaat bepaal in Aangangsel A opstel ingevolge waarvan die respondent in kennis gestel word om 'n informele ondersoek op 'n tyd, datum en plek soos deur die *pro forma*-klaer bepaal, by te woon;
 - (b) 'n *pro forma*-klaer aanstel om die werklike klaer te verteenwoordig en die klagte in 'n informele ondersoek kragtens hierdie regulasies te stel;

- (c) die komitee van informele ondersoek skriftelik gelas om 'n informele ondersoek op 'n tyd, datum en plek soos deur die *pro forma*-klaer bepaal in die kennisgewing in paragraaf (a) bedoel, te hou.
- (3) indien dit van oordeel is dat dit toepaslik sal wees om 'n formele ondersoek te hou:
- (a) 'n *pro forma*-klaer aanstel om die werklike klaer te verteenwoordig en die klagte in 'n formele ondersoek kragtens hierdie regulasies te stel, met die reg om 'n regsverteenwoordiger aan te stel om hom of haar by te staan;
 - (b) die komitee van formele ondersoek skriftelik gelas om 'n formele ondersoek kragtens hierdie regulasies te hou.

Hoofstuk III

Informele ondersoek

8. Die *pro forma*-klaer kragtens regulasie 6(2)(b) aangestel, moet:
- (a) 'n datum, tyd en plek vir die informele ondersoek bepaal;
 - (b) 'n kennisgewing bedoel in regulasie 6(2)(a) aan die respondent per aangetekende pos by sy of haar laaste bekende geregistreerde adres stuur en aan die respondent sodanige tersaaklike dokumente voorsien wat nie voorheen aan hom of haar voorsien is nie;
 - (c) die lede van die komitee van informele ondersoek met 'n afskrif van die kennisgewing en afskrifte van alle ter saaklike dokumente voorsien.
9. Die respondent sal geregtig wees om een van die volgende drie opsies uit te oefen:
- (1) indien hy of sy met die inhoud van die voorgestelde toestemmingsbevel wat aan die kennisgewing geheg is, saamstem, moet hy of sy dit voor 'n

kommissaris van ede voltooi en onderteken en aan die komitee van informele ondersoek voor die datum van die informele ondersoek terugbesorg, in welke geval die komitee van informele ondersoek op die datum vir sodanige ondersoek geskeduleer 'n bevinding maak en 'n straf oplê ooreenkomstig die toestemmingsbevel;

(2) indien hy of sy nie met die inhoud van die voorgestelde toestemmingsbevel saamstem nie en verkies om sy of haar saak aan die komitee van informele ondersoek te stel, moet hy of sy:

(a) Aanhangsel A2 voltooi, onderteken en aan die komitee van informele ondersoek voor die datum van die informele ondersoek terugbesorg; en

(b) in persoon by die informele ondersoek verskyn om:

(i) skriftelike voorleggings by die komitee van informele ondersoek in te handig; of

(ii) mondelinge getuienis aan te voer; of

(iii) argument te stel;

ten einde die inhoud van die toestemmingsbevel te wysig;

(3) indien hy of sy sou verkies dat die komitee van formele ondersoek oor die klagte uitspraak doen, moet hy of sy Aanhangsel A3 voltooi, onderteken en aan die komitee van informele ondersoek voor die datum van die informele ondersoek terugbesorg, in welke geval die aangeleentheid op die datum vir sodanige ondersoek geskeduleer, verwys sal word na die komitee van formele ondersoek om ooreenkomstig die prosedure in hoofstuk IV van hierdie regulasies bepaal, mee gehandel te word.

10. Indien die respondent versuim om enige van die opsies in regulasie 8 uit te oefen, of versuim om te antwoord op die kennisgewing in regulasie 7 bedoel, moet die komitee van informele ondersoek die aangeleentheid na die komitee van formele ondersoek verwys om oor die klagte in ooreenstemming met die

prosedure in hoofstuk IV van hierdie regulasies bepaal, uitspraak te doen.

11. Op die datum vir 'n informele ondersoek bepaal, moet die komitee van informele ondersoek:
 - (1) indien die respondent verkies het om kragtens regulasie 9(1) voort te gaan, 'n bevinding maak en 'n straf in ooreenstemming met die toestemmingsbevel wat deur die respondent onderteken is, opleë en die *pro forma*-klaer gelas om die respondent dienooreenkomstig in te lig;
 - (2) indien die respondent verkies om kragtens regulasie 9(2) voort te gaan, voortgaan om 'n informele ondersoek kragtens hierdie hoofstuk te hou;
 - (3) indien die respondent verkies om kragtens regulasie 9(3) voort te gaan, die aangeleentheid na die komitee van formele ondersoek verwys om ooreenkomstig die prosedure in hoofstuk IV van hierdie regulasies bepaal, mee gehandel te word.
12. Die *pro forma*-klaer en die respondent sal geregtig wees om die registrateur te versoek om alle persone wat hulle verlang om namens hulle as getuies by die informele ondersoek getuienis te gee, te dagvaar kragtens 'n dagvaarding wat in die formaat in Aanhangsel C bepaal, moet wees.
13. Die informele ondersoek moet die formaat van 'n inkwisitoriale ondersoek aanneem: Met dien verstande dat beide die *pro forma*-klaer en die respondent die geleentheid gebied sal word om sy of haar saak by wyse van skriftelike voorleggings, mondelinge getuienis en argument te stel: Met dien verstande dat nie die *pro forma*-klaer of die respondent op regsverteenvoording by die informele ondersoek geregtig sal wees nie.
14. Die komitee van informele ondersoek moet, by die voltooiing van 'n informele ondersoek:
 - (1) indien dit in staat is om 'n toestemmingsbevel te onderhandel wat aanvaarbaar is vir die *pro forma*-klaer, die respondent en die komitee van informele ondersoek, 'n toestemmingsbevel soos ooreengekom opstel wat bewoord moet word in die formaat in Aanhangsel A1 bepaal, die

respondent en die *pro forma*-klaer versoek om sodanige toestemmingsbevel te onderteken, 'n bevinding maak en 'n straf wat in die toestemmingsbevel oor ooreengekom is, oplê;

- (2) indien dit nie in staat is om 'n toestemmingsbevel te onderhandel wat vir die *pro forma*-klaer, die respondent en die komitee van informele ondersoek aanvaarbaar is nie, die komitee van formele ondersoek gelas om 'n formele ondersoek na die klagte van die respondent te hou.

15. 'n Bevinding gemaak of straf opgelê deur die komitee van informele ondersoek kragtens 'n toestemmingsbevel in regulasie 12(1) bedoel, sal nie 'n vorige skuldigbevinding in enige daaropvolgende ondersoek van 'n klagte teen die respondent kragtens hierdie regulasies, uitmaak nie.

Hoofstuk IV

Formele ondersoek

16. Wanneer die komitee van voorlopige ondersoek of die komitee van informele ondersoek 'n klagte na die komitee van formele ondersoek verwys het, moet die *pro forma*-klaer kragtens regulasie 6(2)(b) aangestel:
 - (1) 'n datum, tyd en plek vir die formele ondersoek bepaal;
 - (2) 'n kennisgewing in die formaat in Aanhangsel B bepaal, opstel ingevolge waarvan die respondent in kennis gestel word om 'n formele ondersoek by te woon op 'n tyd, datum en plek wat deur die *pro forma*-klaer in sodanige kennisgewing aangedui is;
 - (3) die lede van die komitee van formele ondersoek dienooreenkomstig inlig en hulle van 'n afskrif van die kennisgewing en alle ter saaklike dokumente voorsien.
17. Die kennisgewing in regulasie 14(2) bedoel, moet op die respondent beteken word of per pos aan hom of haar gerig word by sy of haar laaste bekende geregistreerde adres by wyse van vooruitbetaalde aangetekende pos.

18. Die *pro forma*-klaer en die respondent sal geregtig wees om die registrateur te versoek om alle persone wat hulle verlang om namens hulle as getuies by die formele ondersoek getuienis te gee, te dagvaar kragtens 'n dagvaarding wat in die formaat in Aanhangsel C bepaal, moet wees.
19. Indien getuies op versoek van die respondent gedagvaar word, kan die registrateur van die respondent vereis om 'n bedrag geld by die raad te deponeer wat genoegsaam is om die gelde en uitgawes in regulasie 18 bedoel, te delg.
20. Die party op wie se versoek 'n getuie gedagvaar word om te verskyn en getuienis by 'n formele ondersoek af te lê sal verantwoordelik wees om gelde ooreenkomstig die tarief wat op strafsake in 'n Landdroshof van toepassing is, te betaal en sodanige getuie vir enige redelike uitgawes wat aangegaan moes word ten einde die formele ondersoek by te woon, te vergoed.
21. Die komitee van formele ondersoek moet 'n voorsitter uit 'eie geledere aanstel.
22. By 'n formele ondersoek wat ooreenkomstig hierdie regulasies gehou word, sal die prosedure hieronder uiteengesit gevolg word.
23. Die *pro forma*-klaer moet die kennisgewing wat aan die respondent gerig is, voorlees tensy die respondent afwesig is of die respondent of sy of haar regsverteenvoordiger aandui dat dit nie vereis word nie.
24. Die respondent, of indien hy of sy nie teenwoordig is nie, sy of haar regsverteenvoordiger, moet deur die voorsitter van die komitee van formele ondersoek gevra word om skuldig of onskuldig op die klagte te pleit en die pleit moet aangeteken word.
25. Die *pro forma*-klaer en die respondent moet onderskeidelik beide die geleentheid gebied word om die klagte en die verdediging daarop bondig saam te vat.
26. Indien 'n pleit van skuldig aangeteken word en die komitee van formele ondersoek van mening is dat verdere inligting benodig word vir doeleindes om 'n bevinding te maak of die klagte onprofessionele gedrag aan die kant van die respondent uitmaak, sal dit geregtig wees om enige van die getuies wat namens

die *pro forma*-klaer of die respondent gedagvaar is, te roep om mondelinge getuienis onder eed of bevestiging af te lê en om enige dokumentêre getuienis relevant tot die klagte wat dit nodig ag, te aanvaar, voordat tot 'n bevinding gekom word.

27. Indien die respondent, of sy of haar regsverteenwoordiger, weier of versuim om direk op die klagte te pleit, word dit aangeteken en moet 'n pleit van onskuldig aangeteken word, en 'n pleit wat so aangeteken is sal dieselfde effek hê asof daar inderdaad so gepleit is.
28. In die geval van 'n pleit van onskuldig, moet eerstens die *pro forma*-klaer en daarna die respondent die geleentheid gebied word om onderskeidelik getuienis ten gunste van die klagte en die verdediging onderskeidelik, aan te voer.
29. Indien die respondent nie teenwoordig of verteenwoordig is nie, sal sy of haar skriftelike verweer, verklaring(s) of verduideliking(s) deur hom of haar gemaak voor die formele ondersoek, indien enige, sy of haar verweer uitmaak en moet dit deur die *pro forma*-klaer aan die komitee van formele ondersoek voorgelê word.
30. Die komitee van formele ondersoek mag in sy diskresie, nadat die partye hulle sake gesluit het:
 - (1) toelaat dat verdere getuienis aangevoer word;
 - (2) getuies wat deur of die *pro forma*-klaer of die respondent gelei is, terugroep.
31. Die komitee van formele ondersoek mag in sy diskresie verdere getuies roep of 'n getuie terugroep om deur lede van die komitee van formele ondersoek en daarna deur die respondent en dan deur die *pro forma*-klaer of hulle regsverteenwoordigers ondervra te word.
32. Die voorsitter van die komitee van formele ondersoek:
 - (1) mag vrae stel aan enige getuie wat namens of deur die *pro forma*-klaer of respondent geroep is, en ander lede van die komitee van formele

ondersoek toelaat om vrae aan sodanige getuie te stel;

- (2) moet voor herondervraging van sodanige getuie deur die party wat sodanige getuie geroep het, verdere kruisondervraging toelaat voortspruitend uit vrae wat deur die voorsitter en ander lede gestel is;
- (3) moet na die kruisondervraging in regulasie 30(2) bedoel die party wat die getuie geroep het 'n geleentheid bied om die getuie rakende aangeleenthede geopper in kruisondervraging of met betrekking tot vrae aan sodanige getuie gestel deur die voorsitter en lede van die komitee van formele ondersoek, te herondervra.

33. Nadat alle getuienis aangevoer is:

- (1) moet die *pro forma*-klaer die geleentheid gebied word om die komitee van formele ondersoek oor die getuienis en die regsposisie toe te spreek;
- (2) moet die respondent of sy of haar regsverteenvoerder daarna insgelyks die geleentheid gebied word om die komitee van formele ondersoek toe te spreek;
- (3) moet die *pro forma*-klaer 'n geleentheid gebied word om op die argumente geopper deur of namens die respondent, repliek te lewer.

34. Indien die respondent of sy of haar regsverteenvoerder afwesig is by die formele ondersoek moet dit in die afwesigheid van die respondent voortgaan en 'n pleit van onskuldig moet aangeteken word tensy die respondent skriftelik ten opsigte van die klagte teen hom of haar skuldig gepleit het, in welke geval dit as sy of haar pleit aangeteken moet word.

35. Alle mondelinge getuienis moet onder eed of bevestiging voor die voorsitter van die komitee van formele ondersoek afgelê word.

36. Getuienis in die vorm van 'n beëdigde of plegtige verklaring sal op die grondslag bepaal in die Wet op Bewysleer in Siviele Sake, 1965 (Wet No. 25 van 1965),

toelaatbaar wees of op enige gemenerereg beginsel wat in siviele reg van toepassing is.

37. Die oorkonde of enige deel daarvan van 'n wettiglik ingestelde geregshof, ondersoek of statutêre liggaam moet as *prima facie* getuienis aanvaar word indien dit as 'n ware afskrif gesertifiseer is: Met dien verstande dat indien dit prakties is en regverdig blyk te wees, kan die komitee van formele ondersoek 'n getuie wie se getuienis in sodanige oorkonde verskyn roep om getuienis by die formele ondersoek af te lê.
38. By die beëindiging van die formele ondersoek moet die komitee van formele ondersoek *in camera* rakende'n bevinding beraadslaag.
39. Indien die respondent onskuldig bevind word aan die klagte wat teen hom of haar gemaak is, moet hy of sy onverwyld dienooreenkomstig ingelig word en moet die komitee van formele ondersoek sy bevinding aan die raad rapporteer.
40. Indien die komitee van formele ondersoek bepaal dat voldoende feite gedurende die formele ondersoek voorgelê is wat die klagte bewys, moet dit beslis of die klagte onprofessionele gedrag uitmaak of gedrag wat, indien die respondent se beroep in aanmerking geneem word, onprofessioneel is en moet dit sy bevinding in ope vergadering aankondig.
41. Indien die respondent skuldig bevind word deur die komitee van formele ondersoek, moet die *pro forma*-klaer bewyse van vorige veroordelings, uitsluitend 'n bevinding of straf opgelê deur die komitee van informele ondersoek, van die respondent kragtens die Wet aanvoer, indien sodanige veroordelings teen die respondent in die rekords van die registrateur aangeteken is: Met dien verstande dat kennis van die voorneme om sodanig op te tree deur die *pro forma*-klaer aan die respondent voor die aanvang van die ondersoek gegee is.
42. Bewys van vorige bevindings in regulasie 39 bedoel moet deur middel van 'n sertifikaat onder die handtekening van die registrateur geskied met vermelding van die aard van die klagte wat op daardie tydstip die respondent ten laste gelê is, die bevinding, die datum van sodanige bevinding en die straf opgelê.

43. Die respondent sal geregtig wees om die korrektheid van 'n sertifikaat in regulasie 40 bedoel in geskil te stel, in welke geval 'n afskrif van die relevante oorkonde wat in die besit van die registrateur is en die notule van die raadsvergadering waartydens die bevinding en straf bekragtig of gerapporteer is, voorgelê moet word waarna die feit van bevinding as bewys geag sal wees.
44. Die respondent mag, na bewys van vorige bevindings deur die *pro forma*-klaer, indien enige, die komitee van formele ondersoek toespreek en getuienis, hetsy mondeling of skriftelik, ter versagting van 'n straf wat opgelê gaan word, aanvoer.
45. Enige getuies wat ter versagting geroep is, mag deur die lede van die komitee van formele ondersoek en die *pro forma*-klaer ondervra word.
46. Die *pro forma*-klaer moet, nadat die respondent die komitee van formele ondersoek toegesprek het of getuienis ter versagting van 'n straf wat opgelê gaan word, aangevoer het, die geleentheid gebied word om verhoër aan die komitee van formele ondersoek te rig of getuienis, hetsy mondelings of skriftelik, aan te voer rakende 'n gepaste straf om opgelê te word.
47. Indien die respondent nie teenwoordig of verteenwoordig is nie, moet enige skriftelike verhoër, verklaring of verduideliking deur of namens hom of haar gemaak wat op 'n straf betrekking het, deur die komitee van formele ondersoek in ag geneem word.
48. Die komitee van formele ondersoek moet *in camera* beraadslaag oor 'n straf wat opgelê moet word en 'n kostebevel in artikel 40(3) van die Wet bedoel wat gemaak moet word.
49. Die voorsitter van die komitee van formele ondersoek moet die bevinding, die opgelegde straf en die kostebevel wat gemaak is, indien van toepassing, in ope vergadering aankondig.
50. Die komitee van formele ondersoek moet sy bevinding, die opgelegde straf en die kostebevel wat gemaak is, indien enige, aan die raad rapporteer.

51. Die registrateur moet vir die publikasie van die naam van die respondent, 'n opsomming van die klagte waaraan hy of sy skuldig bevind is en die straf wat opgelê is in enige van die amptelike tale in die *Staatskoerant* en in die raadsverslag, reël.
52. Die komitee van formele ondersoek mag 'n persoon met ondervinding in die regspleging aanstel en vergoed om by enige ondersoek teenwoordig te wees -
- (1) as 'n assessor; enlof
 - (2) om die komitee van formele ondersoek in verband met regs kwessies, prosedure of bewyslewering te adviseer.
53. Enige beslissing van die komitee van formele ondersoek oor 'n aangeleentheid wat in verband met of gedurende die loop van 'n ondersoek ontstaan, moet daartydens aan die betrokke persone bekend gemaak word.
54. Die komitee van formele ondersoek kan vanself of op versoek van die *pro forma*-klaer of die respondent of sy of haar regsverteenwoordiger enige ondersoek wat kragtens hierdie regulasies gehou word, verdaag, om op sodanige datum, tyd en plek soos deur die komitee van formele ondersoek bepaal, hervat te word of soos deur die registrateur by wyse van geregistreerde pos aan al die partye betrokke, bekend gemaak.

Hoofstuk V

Algemeen

55. Niks in hierdie regulasies sal verklaar word as die terugtrekking van die raad se reg en bevoegdheid om met enige klagte te handel sonder om dit te verwys na die komitee van voorlopige ondersoek, informele ondersoek of formele ondersoek nie.
56. 'n Tugondersoek wat kragtens die regulasies gepubliseer by Goewermentskennisgewing No. R.353 van 2 Maart 1984 'n aanvang voor 'n tugkomitee geneem het onmiddellik voor die inwerkingtreding van hierdie regulasies, sal gevoer word ooreenkomstig die prosedures in eersgenoemde regulasies voorgeskryf asof hulle nie herroep is nie.

57. Die regulasies gepubliseer by Goewermentskennisgewing No. R.353 van 2 Maart 1984 word hiermee herroep.

DR M.E. TSHABALALA-MSIMANG, LP

MINISTER VAN GESONDHEID

DATUM:

AANHANGSEL A**DIE SUID-AFRIKAANSE APTEKERSRAAD**

Saak no:.....

In die saak tussen:

Die *pro forma*-klaer

en

..... (hierna verwys as "die respondent")

KENNISGEWING OM INFORMELE ONDERSOEK BY TE WOON

1. Die respondent word hiermee gedagvaar om op (datum)
om(tyd) te 3^{de} Vloer, die SA Aptekersraad, Belvedere-
straat 591, Arcadia, 0083, op die volgende klagte(s) te antwoord:

.....
.....
.....

[Voeg besonderhede van klagte(s) by]

2. Die respondent kan van een van die volgende opsies gebruik maak:

(1) Toestemming tot bevinding en straf

Die respondent is geregtig om toe te stem dat die komitee van informele ondersoek 'n bevinding maak en die straf voorgestel in Aanhangsel A1 oplê deur dit te onderteken voor 'n kommissaris van ede en aan die *pro forma*-klaer terug te besorg by die adres aangedui in Aanhangsel A1, om die *pro forma*-klaer voor die datum van die informele ondersoek te bereik.

In die geval dat die respondent verkies om tot die bevinding en straf voorgestel in Aanhangsel A1 toe te stem, en indien sodanige straf die betaling van 'n boete behels, moet die respondent een van die volgende saam met Aanhangsel A1 aan die *pro forma*-klaer by die

adres in Aanhangsel A1 aangedui, voorlê:

- (a) Bewys van betaling (afskrif van depositostrokie / elektroniese bankoordrag) in die volgende rekening van die Suid-Afrikaanse Aptekersraad:

Bank :
Tak :
Takkode :
Rekeningnommer :

- (b) posorder of tjek;
- (c) kredietkaartmagtiging; of
- (d) 'n geskrewe versoek om die boete en/of die kostes in Aanhangsel A1 aangedui in paaimente te betaal.

(2) Kennisgewing van voorneme om by informele ondersoek te verskyn

Die respondent is geregtig om kragtens Aanhangsel A2 kennis te gee dat hy of sy die informele ondersoek in persoon sal bywoon op die vasgestelde tyd en datum om van sy of haar regte kragtens hoofstuk III van die Regulasies betreffende die hou van ondersoeke kragtens hoofstuk V van die Wet (hierna verwys as "die Regulasies") waarvan 'n afskrif hierby aangeheg is, gebruik te maak.

Neem asseblief kennis dat kragtens regulasie 11 van die Regulasies nie die *pro forma*-klaer of die respondent op regsverteenvoording by die informele ondersoek geregtig is nie.

(3) Kennisgewing van voorneme om na formele ondersoek oor te gaan

Die respondent is geregtig om kragtens Aanhangsel A3 kennis te gee dat hy of sy verkies dat die komitee van formele ondersoek kragtens hoofstuk IV van die Regulasies oor die klagte uitspraak doen.

Neem asseblief kennis dat *die pro forma*-klaer en die respondent op regsverteenvoording by die formele ondersoek geregtig is.

3. Algemene inligting betreffende die opsies gelys in paragraaf 2

- (1) In die geval dat die respondent kies om toe te stem tot die bevinding en straf in paragraaf 2(1) bedoel, moet die komitee van informele ondersoek op die datum vir die informele ondersoek bepaal, die bevinding maak en die straf opleë in Aanhangsel A1 bepaal: Met dien verstande dat sodanige bevinding nie 'n vorige bevinding vir doeleindes van regulasie 39 van die Regulasies in enige daaropvolgende ondersoek na die onprofessionele gedrag van die respondent sal uitmaak nie.
- (2) In die geval dat die respondent kies om by die informele ondersoek in paragraaf 2(2) bedoel te verskyn, moet die komitee van informele ondersoek op die datum vir die informele ondersoek bepaal:
 - (a) met die klagte(s) ooreenkomstig die proses in hoofstuk III van die Regulasies uiteengesit, handel;
 - (b) 'n bevinding maak of die feite wat tot sy bevrediging bewys is, onprofessionele gedrag uitmaak;
 - (c) een van die strawwe in artikel 45(1) van die Wet op Aptekers, 1974 (Wet No. 53 van 1974) (hierna verwys as "die Wet") opleë indien dit bevind dat die bewese feite onprofessionele gedrag uitmaak;
 - (d) 'n bevel kragtens artikel 40(3) van die Wet maak rakende die kostes; of
 - (e) die aangeleentheid vir 'n informele ondersoek deur die komitee van formele ondersoek verwys.
- (3) In die geval dat die respondent kies om na 'n formele ondersoek in paragraaf 2(3) bedoel oor te gaan, moet die komitee van informele

ondersoek op die datum vir die informele ondersoek bepaal, die komitee van formele ondersoek gelas om 'n formele ondersoek te hou op 'n datum, tyd en plek en op sodanige klagte(s) waarop die *pro forma*-klaer mag besluit en waarvan die respondent ter gelegenertyd ingelig sal word.

- (4) In die geval dat die respondent versuim om op hierdie kennisgewing te antwoord of om 'n opsie in paragrafe 2(1) tot (3) bedoel uit te oefen, moet die komitee van informele ondersoek op die datum vir die informele ondersoek bepaal, die geleentheid na die komitee van formele ondersoek verwys om oor die klagte uitspraak te doen in ooreenstemming met die prosedure in hoofstuk IV van die Regulasies bepaal.
4. Die respondent word hiermee verwys na die bepalings van artikel 45B van die Wet betreffende die vordering van boetes en kostebevele.

Uitgereik te Pretoria opdeur die *pro forma*-klaer

***Pro forma*-klaer**

AANHANGSEL A1

DIE SUID-AFRIKAANSE APTEKERSRAAD

Saak no:

In die saak tussen:

Die *pro forma*-klaer

en

..... (hierna verwys as "die respondent")

TOESTEMMINGSBEVEL

1. Ek, die ondergetekende

..... (volle name)

Identiteitsnommer:

Woonagtig te:

.....

.....

.....

stem hiermee toe dat die komitee van informele ondersoek:

(a) bevind dat die gedrag waarvan ek aangekla is, onprofessionele gedrag deur my in my hoedanigheid as apteker, uitmaak;

(b) die volgende straf ople:

.....

.....

.....

.....

(c) die volgende koste bevel maak:

"Die respondent word gelas om die volgende kostes te betaal:

Kennisgewing: R

Informele ondersoekkostes: R

Totaal: R"

2. Ek heg hierby aan:

- ☐ Bewys van direkte betaling in die bankrekening van die Suid-Afrikaanse Aptekersraad;
- ☐ posorder / tjek; of
- ☐ magtiging aan die registrateur van die Suid-Afrikaanse Aptekersraad om my kredietkaart te debiteer, rekeningnommer

VISA ☐ MASTER ☐

Vervaldatum:

Geteken te op

Respondent

Geteken te op deur die respondent voor my as kommissaris van ede, nadat ek myself tevrede gestel het rakende die identiteit van die ondertekenaar en die feit dat die respondent die inhoud van hierdie dokument en die gevolg daarvan begryp en verstaan.

Kommissaris van ede

Neem kennis: Die toestemmingsbevel moet deur die respondent aan die *pro forma*-klaer by die volgende adres besorg word:

Volle name:

Fisiese adres:

.....

.....

.....

Telefoon no: (.....)

AANHANGSEL A2**DIE SUID-AFRIKAANSE APTEKERSRAAD**

Saak no:.....

In die saak tussen:

Die *pro forma*-klaer

en

..... (hierna verwys as "die respondent")

KENNISGEWING VAN VOORNEME OM BY INFORMELE ONDERSOEK TE VERSKYN

1. Neem kennis dat die respondent van voornemens is om in persoon voor die komitee van informele ondersoek van die Suid-Afrikaanse Aptekersraad te verskyn om (tyd) op (datum) te 3^{de} Vloer, SA Aptekersraadgebou, Belvederestraat 591, Arcadia, 0007, om sy of haar verdediging aan te voer.
2. Neem verder kennis dat die respondent van voornemens is om die volgende getuies te roep:

Volle name:	Posadres	Fisiese adres	Telefoonno:
1.			
2.			
3.			

en versoek die registrateur om hierdie getuies te dagvaar.

Geteken te op

Respondent

Neem kennis: Kennisgewing moet deur die respondent voorgelê word aan:

- (a) Die komitee van informele ondersoek
Die Suid-Afrikaanse Aptekersraad
Posbus 40040
Arcadia
0007

EN

- (b) Die *pro forma*-klaer
Posbus 40040
Arcadia
0007

AANHANGSEL A3

DIE SUID-AFRIKAANSE APTEKERSRAAD

Saak no:.....

In die saak tussen:

Die *pro forma*-klaer

en

..... (hierna verwys as "die respondent")

KENNISGEWING VAN VOORNEME OM NA FORMELE ONDERSOEK OOR TE GAAN

Die respondent versoek hiermee die komitee van informele ondersoek om die klagte na die komitee van formele ondersoek kragtens hoofstuk IV van die Regulasies betreffende die hou van ondersoeke kragtens hoofstuk V van die Wet te verwys.

Signed at on

Respondent

Neem kennis: Kennisgewing moet deur die respondent voorgelê word aan:

- (a) Die komitee van informele ondersoek
Die Suid-Afrikaanse Aptekersraad
Posbus 40040
Arcadia
0007

EN

- (b) Die *pro forma*-klaer
Posbus 40040
Arcadia
0007

AANHANGSEL B**DIE SUID-AFRIKAANSE APTEKERSRAAD**

Saak no:.....

In die saak tussen:

Die *pro forma*-klaer

en

..... (hierna verwys as "die respondent")

KENNISGEWING AAN DIE RESPONDENT OM FORMELE ONDERSOEK BY TE WOON

U word hiermee in kennis gestel dat die Suid-Afrikaanse Aptekersraad (hierna verwys as "die raad") of die komitee van formele ondersoek van die raad van voornemens is om 'n formele ondersoek te hou op die dag van om (tyd) te
(adres) wanneer die volgende klagte(s) wat teen u gemaak is, oorweeg sal word:

"Dat u, synde 'n apteker, behoorlik geregistreer kragtens die Wet op Aptekers, 1974 (Wet No. 53 van 1974) (hierna verwys as "die Wet"), skuldig is aan onprofessionele gedrag deurdat u
....."

Kragtens artikel 40(2) van die Wet, is u geregtig om die formele ondersoek by te woon en die klagte(s) te beantwoord en aangehoor te word in u verdediging, hetsy in eie persoon of deur u regsverteenwoordiger. Indien u versuim om te verskyn mag die raad of die komitee van formele ondersoek die klagte(s) in ooreenstemming met hoofstuk IV van die Regulasies betreffende die hou van ondersoeke kragtens hoofstuk V van die Wet (hierna verwys as "die Regulasies") oorweeg en afhandel.

Indien u verlang dat u brief gedateer
of enige verdere geskrewe mededeling wat u wens te rig, u verduideliking of
verdediging moet uitmaak, verwittig my asseblief skriftelik so spoedig moontlik maar
nie later nie as, maar u word gewaarsku dat enige
sodanige kommunikasie as getuienis gebruik kan word.

'n Afskrif van die Regulasies is aangeheg.

Gegee op te
deur die *pro forma*-klaer.

***Pro forma*-klaer**

AANHANGSEL C

DIE SUID-AFRIKAANSE APTEKERSRAAD

Saak no:.....

In die saak tussen:

Die *pro forma*-klaer

en

..... (hierna verwys as "die respondent")

DAGVAARDIGING OM VOOR DIE KOMITEE VAN VOORLOPIGE ONDERSOEK
OF DIE DIE KOMITEE VAN INFORMELE- OF FORMELE ONDERSOEK VAN DIE
SUID-AFRIKAANSE APTEKERSRAAD TE VERSKYN EN/OF DOKUMENTêRE
BEWYSE KRAGTENS DIE REGULASIES BETREFFENDE DIE HOU VAN
ONDERSOEKE KRAGTENS HOOFSTUK V VAN DIE WET VOOR TE LÊ

Getuie se (pos of fisiese) adres:

.....

U, (naam van
getuie) word hiermee gedagvaar om:

- (a) teen (tyd) op (datum) te
..... (plek)
voor die komitee van voorlopige ondersoek of die komitee van informele- of
formeel ondersoek van die Suid-Afrikaanse Aptekersraad (hierna verwys as
"die raad") kragtens die Wet op Aptekers, 1974 (Wet No. 53 van 1974)
iingestel, getuienis te gee of voor te lê by 'n ondersoek deur die komitee van
voorlopige ondersoek of by 'n ondersoek deur die komitee van informele- of
formeel ondersoek;

- (b) alle dokumente, foto's, rekenaarrekords, kontrakte, boeke, items, artikels, administratiewe of finansiële rekords of rekenaardata betreffende die volgende klagte(s) aan die registrateur voor te lê:

.....

en u word hiermee gelas om sodanige dokumente, foto's, rekenaarrekords, kontrakte, boeke, items, artikels, administratiewe of finansiële rekords of rekenaardata saam met u te bring.

Gegee op (datum) te (plek)
 onder die hand van die registrateur van die raad.

REGISTRATEUR

Amptelike seël

* skrap wat nie van toepassing is nie

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
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