



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 586.

21 Maart 1979.

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

No. 20 van 1979: Wysigingswet op Aptekers, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 586.

21 March 1979.

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

No. 20 of 1979: Pharmacy Amendment Act, 1979.

Act No. 20, 1979

PHARMACY AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

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

— Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Pharmacy Act, 1974, so as to define certain expressions; to alter the constitution of the South African Pharmacy Board; to increase the number of the members who shall form a quorum at meetings of the said board; to empower the said board to appoint persons other than members thereof to committees of the said board; to make further provision with regard to the prerequisites for registration as pharmacists of holders of qualifications obtained outside the Republic; to provide for the registration of certain pharmacy students as pharmacists' assistants; to further regulate the conditions under which certain corporate bodies are allowed to carry on business as pharmacists; to supplement the acts which are deemed to be acts specially pertaining to the profession of a pharmacist; to provide for the conducting, in certain circumstances, of a pharmacy without the continuous personal supervision of a pharmacist; to regulate the power of entry and inspection of certain officers and other persons; to empower the said board to postpone the imposition or to suspend the execution of penalties which it is empowered to impose; and to extend the power of making regulations; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 13 March 1979.)*

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

Amendment of
section 1 of
Act 53 of 1974.

1. Section 1 of the Pharmacy Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after the definition of "pharmacist" of the following definition:
“pharmacist's assistant’ means a person registered as such under this Act;”;
 - (b) by the insertion after the definition of “trainee pharmacist” of the following definition:
“veterinarian’ means a person registered as such under the Veterinary Act, 1933 (Act No. 16 of 1933).”;
 - and
 - (c) by the deletion of the definition of “unqualified assistant”.

Amendment of
section 5 of
Act 53 of 1974.

2. (1) Section 5 of the principal Act is hereby amended—
 - (a) by the substitution for subsection (1) of the following subsection:

WYSIGINGSWET OP APTEKERS, 1979.

Wet No. 20, 1979

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
-
- Woerde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
-
-

WET

Tot wysiging van die bepalings van die Wet op Aptekers, 1974, ten einde sekere uitdrukings te omskryf; die samestelling van die Suid-Afrikaanse Aptekersraad te verander; die getal lede wat 'n kworum op vergaderings van genoemde raad uitmaak, te vermeerder; genoemde raad te magtig om ander persone as lede daarvan in komitees van genoemde raad aan te stel; verdere voorsiening te maak met betrekking tot die voorvereistes vir registrasie as aptekers van houers van kwalifikasies buite die Republiek verwerf; voorsiening te maak vir die registrasie van sekere aptekerstudente as aptekersassistent; die voorwaardes waarop sekere regspersone toegelaat word om as aptekers sake te doen, verder te reël; die handelinge wat geag word handelinge te wees wat by uitstek by die beroep van 'n apteker tuishoort, aan te vul; voorsiening te maak vir die dryf, onder sekere omstandighede, van 'n apteek sonder die voortdurende persoonlike toesig van 'n apteker; die bevoegdheid tot betreding en inspeksie van sekere beampes en ander persone te reël; genoemde raad te magtig om die oplegging van strawwe wat hy gemagtig is om op te lê, uit te stel of die tenuitvoerlegging daarvan op te skort; en die bevoegdheid om regulasies uit te vaardig, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Maart 1979.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Aptekers, 1974 (hieronder die Wysiging van artikel 1 van Wet 53 van 1974.
5 Hoofwet genoem), word hierby gewysig—
- (a) deur na die omskrywing van „apteker” die volgende omskrywing in te voeg:
„aptekersassistent” iemand wat as sodanig kragtens hierdie Wet geregistreer is;”;
 - 10 (b) deur die omskrywing van „ongekwalificeerde assent” te skrap; en
 - (c) deur na die omskrywing van „Republiek” die volgende omskrywing in te voeg:
„veearts” iemand wat as sodanig kragtens die Veearts-wet, 1933 (Wet No. 16 van 1933), geregistreer is;”.
- 15 2. (1) Artikel 5 van die Hoofwet word hierby gewysig—
(a) deur subartikel (1) deur die volgende subartikel te vervang:
- Wysiging van artikel 5 van Wet 53 van 1974.

Act No. 20, 1979

PHARMACY AMENDMENT ACT, 1979.

- “(1) The board shall consist of the following members, namely—
- (a) five persons appointed by the Minister, of whom—
 - (i) four shall be pharmacists, two of whom shall each be a member of the staff of a university (but not members of the same staff) at which provision is made for the training of pharmacists;
 - (ii) one shall be a person who is not registered under this Act or the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), or the Nursing Act, 1978 (Act No. 50 of 1978);
 - (b) six pharmacists who are South African citizens, resident in the Republic and elected by pharmacists in accordance with the provisions of this Act;
 - (c) one person registered as a medical practitioner under the Medical, Dental and Supplementary Health Service Professions Act, 1974, and appointed from among its members by the South African Medical and Dental Council referred to in that Act;
 - (d) one person registered as a nurse under the Nursing Act, 1978, and appointed from among its members by the South African Nursing Council referred to in that Act;
 - (e) the chief of pharmaceutical services of the Department of Health;
 - (f) two pharmacists who shall each be a member of the staff of a college for advanced technical education (but not members of the same staff) at which provision is made for the training of pharmacists, appointed by the Association of Technical Colleges in the Republic of South Africa referred to in section 28 of the Advanced Technical Education Act, 1967 (Act No. 40 of 1967).”;

- (b) by the substitution for subsection (3) of the following subsection:
- “(3) Subject to the provisions of section 7, the members of the board shall hold office for a period of 40 five years, but shall be eligible for reappointment or re-election, as the case may be.”; and

- (c) by the insertion after subsection (3) of the following subsection:
- “(3A)(a) Not less than three months prior to the date 45 of expiry of the term of office of the members of the board, the South African Medical and Dental Council referred to in subsection (1)(c), the South African Nursing Council referred to in subsection (1)(d) and the Association of Technical Colleges in the Republic of South Africa referred to in subsection (1)(f) shall inform the registrar in writing of the names of the persons appointed by them in terms of the provisions of subsection (1).
- (b) If the said South African Medical and Dental Council or South African Nursing Council or Association of Technical Colleges in the Republic of South Africa fails to make an appointment in terms of the provisions of subsection (1), or to inform the registrar, as required in paragraph(a), of the names of the persons appointed by them, the Minister shall make the necessary appointment, and any appointment so made by the Minister shall be deemed to have been properly made in terms of the appropriate paragraph of subsection (1).”.

WYSIGINGSWET OP APTEKERS, 1979.

Wet No. 20, 1979

- ,(1) Die raad bestaan uit die volgende lede, naamlik—
- (a) vyf persone deur die Minister aangestel, van wie—
- (i) vier aptekers moet wees; van wie twee elk 'n lid moet wees van die personeel van 'n universiteit (maar nie lede van dieselfde personeel nie) waar voorsiening gemaak word vir die opleiding van aptekers;
 - (ii) een 'n persoon moet wees wat nie kragtens hierdie Wet of die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), of die Wet op Verpleging, 1978 (Wet No. 50 van 1978), geregistreer is nie;
- (b) ses aptekers wat Suid-Afrikaanse burgers is, in die Republiek woonagtig is en deur aptekers verkies word ooreenkomsdig die bepalings van hierdie Wet;
- (c) een persoon wat as 'n geneesheer geregistreer is kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, en uit sy geledere aangestel is deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in daardie Wet;
- (d) een persoon wat as 'n verpleegkundige geregistreer is kragtens die Wet op Verpleging, 1978, en uit sy geledere aangestel is deur die Suid-Afrikaanse Raad op Verpleging bedoel in daardie Wet;
- (e) die hoof van farmaseutiese dienste van die Departement van Gesondheid;
- (f) twee aptekers wat elk 'n lid moet wees van die personeel van 'n kollege vir gevorderde tegniese onderwys (maar nie lede van dieselfde personeel nie) waar voorsiening gemaak word vir die opleiding van aptekers, aangestel deur die Vereniging van Tegniese Kolleges in die Republiek van Suid-Afrika bedoel in artikel 28 van die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967).”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- ,,(3) Behoudens die bepalings van artikel 7 beklee die lede van die raad hul amp vir 'n tydperk van vyf jaar, maar kan hulle weer aangestel of verkies word, na gelang van die geval.”; en
- (c) deur die volgende subartikel na subartikel (3) in te voeg:
- ,,(3A) (a) Die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in subartikel (1) (c), die Suid-Afrikaanse Raad op Verpleging bedoel in subartikel (1) (d) en die Vereniging van Tegniese Kolleges in die Republiek van Suid-Afrika bedoel in subartikel (1) (f), moet nie later nie as drie maande voor die datum van verstryking van die ampstermyn van die lede van die raad die registrator skriftelik in kennis stel van die name van die persone wat ingevalgelyk die bepalings van subartikel (1) deur hulle aangestel is.
- (b) Indien bedoelde Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, Suid-Afrikaanse Raad op Verpleging of Vereniging van Tegniese Kolleges in die Republiek van Suid-Afrika versuum om 'n aanstelling ingevalgelyk die bepalings van subartikel (1) te doen of om, soos vereis in paragraaf (a), die registrator in kennis te stel van die name van die persone wat deur hulle aangestel is, word die nodige aanstelling deur die Minister gedoen, en 'n aanstelling wat aldus deur die Minister gedoen is, word geag behoorlik gedoen te gewees het ingevalgelyk die toepaslike paragraaf van subartikel (1).”.

Act No. 20, 1979

PHARMACY AMENDMENT ACT, 1979.

- (2) Notwithstanding the provisions of subsection (1) (a) and (b)—
- (a) the members of the South African Pharmacy Board, referred to in section 2 of the principal Act, holding office immediately prior to the commencement of this Act, shall continue to hold office until the period for which they have been appointed or elected, as the case may be, expires; 5
 - (b) the number of members referred to in paragraph (a) shall be supplemented by the appointment—
 - (i) by the Minister, of two pharmacists, one of whom shall be a member of the staff of a university at which provision is made for the training of pharmacists;
 - (ii) by the South African Nursing Council referred to in the Nursing Act, 1978 (Act No. 50 of 1978), from among its members, of one person registered as a nurse under the said Act; and 15
 - (iii) by the Association of Technical Colleges in the Republic of South Africa, referred to in section 28 of the Advanced Technical Education Act, 1967 (Act No. 40 of 1967), of one pharmacist who shall be a member of the staff of a college for advanced technical education at which provision is made for the training of pharmacists; 20 - (c) the term of office of the members appointed under paragraph (b), shall expire on the date on which the period for which the members referred to in paragraph (a) have been appointed or elected, expires. 25

Amendment of
section 9 of
Act 53 of 1974.

3. Section 9 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:
- “(3) **Four** Eight members of the board shall form a quorum at any meeting of the board.”.

Amendment of
section 10 of
Act 53 of 1974.

4. Section 10 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a), and paragraph (a), of the following words and paragraph:
- “The board **may** shall appoint from among its members an executive committee and may appoint such other committees, consisting of members and other persons, as it may deem necessary, and it may delegate to any such committee such of its powers as it may from time to time determine, but shall not be divested of any power so delegated: Provided that—
- (a) no penalty imposed by such a committee (other than a caution or a reprimand or a reprimand and a caution or any penalty imposed in respect of any misconduct in connection with any examination conducted by the board) shall be of force and effect until the board has confirmed its imposition;”.

Amendment of
section 14 of
Act 53 of 1974.

5. Section 14 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “(d) a register of **unqualified** pharmacists’ assistants, in which shall be entered the name, address, registration number and date of registration of every person entitled in terms of this Act to be registered as **an unqualified** a pharmacist’s assistant;”.

WYSIGINGSWET OP APTEKERS, 1979.

Wet No. 20, 1979

- (2) Ondanks die bepalings van subartikel (1) (a) en (b)—
 (a) bly die lede van die Suid-Afrikaanse Aptekersraad,
 bedoel in artikel 2 van die Hoofwet, wat hul amp beklee
 onmiddellik voor die inwerkingtreding van hierdie Wet,
 hul amp beklee totdat die tydperk waarvoor hulle
 aangestel of verkies is, na gelang van die geval,
 verstryk;
 (b) word die geledere van die lede bedoel in paragraaf (a)
 aangevul deur die aanstelling—
 (i) deur die Minister, van twee aptekers, van wie een
 'n lid moet wees van die personeel van 'n
 universiteit waar voorsiening gemaak word vir die
 opleiding van aptekers;
 (ii) deur die Suid-Afrikaanse Raad op Verpleging
 bedoel in die Wet op Verpleging, 1978 (Wet No.
 50 van 1978), uit sy geledere van een persoon wat
 as 'n verpleegkundige geregistreer is kragtens
 genoemde Wet; en
 (iii) deur die Vereniging van Tegniese Kolleges in die
 Republiek van Suid-Afrika, bedoel in artikel 28 van
 die Wet op Gevorderde Tegniese Onderwys, 1967
 (Wet No. 40 van 1967), van een apteker wat 'n lid
 moet wees van die personeel van 'n kollege vir
 gevorderde tegniese onderwys waar voorsiening
 gemaak word vir die opleiding van aptekers;
 (c) verstryk die ampstermyn van die lede aangestel kragtens
 paragraaf (b), op die datum waarop die tydperk verstryk
 waarvoor die lede bedoel in paragraaf (a) aangestel of
 verkies is.

30 3. Artikel 9 van die Hoofwet word hierby gewysig deur Wysiging van
 subartikel (3) deur die volgende subartikel te vervang:
 „(3) **Vier** Agt lede van die raad maak 'n kworum op
 'n vergadering van die raad uit.”.

4. Artikel 10 van die Hoofwet word hierby gewysig deur die Wysiging van
 35 woorde wat paragraaf (a) voorafgaan, en paragraaf (a), deur die artikel 10 van
 volgende woorde en paragraaf te vervang:
 Wet 53 van 1974.

„Die raad **kan** moet 'n uitvoerende komitee uit sy gele-
 dere aanstel en kan die ander komitees, wat uit lede en ander
 40 persone bestaan, wat hy nodig ag, **uit sy lede** aanstel en
 kan sodanige van sy bevoegdhede wat hy van tyd tot tyd
 bepaal aan so 'n komitee deleer, maar word nie ontheft van
 'n bevoegdheid wat aldus gedeleer is nie: Met dien
 verstande dat—
 (a) geen straf deur so 'n komitee opgelê (uitgesonderd 'n
 45 waarskuwing of 'n berispeling of 'n berispeling en 'n
 waarskuwing of 'n straf opgelê ten opsigte van
 wangedrag in verband met 'n eksamen deur die raad
 afgeneem) van krag is totdat die raad die oplegging
 daarvan bekratig het nie;”.

50 5. Artikel 14 van die Hoofwet word hierby gewysig deur Wysiging van
 paragraaf (d) van subartikel (1) deur die volgende paragraaf te artikel 14 van
 vervang:
 Wet 53 van 1974.

„(d) 'n register van **ongekwalificeerde assistente** apte-
 kersassisteente waarin die naam, adres, registrasienommer
 55 en datum van registrasie van iedereen wat ingevolge
 hierdie Wet daarop geregtig is om as 'n **ongekwali-
 fiseerde assistent** aptekersassistent geregistreer te
 word, ingeskryf moet word;”.

Act No. 20, 1979

PHARMACY AMENDMENT ACT, 1979.

Substitution of
section 19 of
Act 53 of 1974.

6. The following section is hereby substituted for section 19 of the principal Act:

"Further pre-requisites for registration as pharmacist of holder of qualifications obtained outside Republic. **19.** Notwithstanding anything to the contrary in this Act contained, no person who has obtained his professional qualifications outside the Republic shall be registered as a pharmacist unless he has [passed] to the satisfaction of the board—
 (a) undergone practical training with a pharmacist within or outside the Republic for a period of not less than one year or periods of not less than one year in the aggregate; and
 (b) passed a test, set by examiners appointed by the board, establishing his knowledge of the laws of the Republic relating to pharmaceutical practice and the practice of the pharmaceutical profession.".

Amendment of
section 20 of
Act 53 of 1974.

7. Section 20 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) undergone the prescribed practical training with a pharmacist in the Republic in a pharmacy approved by the board and by virtue of a prescribed contract [**of training**], which shall be lodged with the registrar [**and approved by the board prior to the commencement of such training**]; or".

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Substitution of
section 21 of
Act 53 of 1974.

8. The following section is hereby substituted for section 21 of the principal Act:

"Registration of pharmacists' 21. Any person who has either obtained credit for the first [**and second**] 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 has served as an indentured apprentice to a pharmacist within the Republic in terms of the provisions of section 27 of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), for such period as the board may determine, may, on payment of the prescribed fee, be registered as [**an unqualified**] a pharmacist's assistant.".

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Amendment of
section 22 of
Act 53 of 1974,
as amended by
section 9 of
Act 36 of 1977.

9. Section 22 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

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"(6) (a) A body corporate which did not immediately prior to the commencement of this Act 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 under the Companies Act, 1973 (Act No. 61 of 1973), as a private company [**and if its memorandum of association states that its directors and former directors shall be liable, jointly and separately, together with the company for such debts and liabilities of the company as are or were contracted during their period of office**].

45

(b) Notwithstanding anything to the contrary contained in the Companies Act, 1973, the following provisions shall apply in respect of such company—

(i) Only natural persons who are pharmacists may hold the shares of such company 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 the company, any shares of it held by him prior thereto, may continue to be held by him or his estate for a period of [**six**] twelve months or such longer period as the board may determine.

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WYSIGINGSWET OP APTEKERS, 1979.

Wet No. 20, 1979

6. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 19 van Wet 53 van 1974.

- „Verdere voor-
vereistes vir re-
gistrasie as
apteker van
besitter van
kwalifikasies
buite Republiek
verwerf.
5 10 15
- 19. Ondanks andersluidende bepalings in hierdie Wet word niemand wat sy professionele kwalifikasies buite die Republiek verwerf het, as 'n apteker geregistreer nie tensy hy tot bevrediging van die raad—**
- (a) vir 'n tydperk van minstens een jaar of tydperke van minstens een jaar altesaam praktiese opleiding by 'n apteker in of buite die Republiek ondergaan het; en
- (b) geslaag het in 'n toets, opgestel deur eksaminatore deur die raad aangestel, wat sy kennis bepaal van die wette van die Republiek wat op farmaseutiese praktyk en die beoefening van die aptekersberoep betrekking het.”.

7. Artikel 20 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 20 van Wet 53 van 1974.

- 20 25
- „(a) die voorgeskrewe praktiese opleiding by 'n apteker in die Republiek ondergaan het in 'n apteek wat deur die raad goedgekeur is en uit hoofde van 'n **opleidingskontrak** voorgeskrewe kontrak wat by die registrator ingedien **[is en deur die raad goedgekeur is voor die aanvang van sodanige opleiding]** moet word; of”.

8. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 21 van Wet 53 van 1974.

- 30 35
- „Registrasie van aptekers-assistente. eerste **[en tweede]** jaar van studie vir 'n graad of diploma in farmasie aan 'n inrigting wat deur die raad goedgekeur is en wat as 'n aptekerstudent geregistreer is, of vir die tydperk wat die raad bepaal ingevolge die bepalings van artikel 27 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as 'n ingeboekte leerling by 'n apteker in die Republiek gedien het, kan, by betaling van die voorgeskrewe geldte, as 'n **ongekwalifiseerde assistent** aptekersassistent geregistreer word.”.

9. Artikel 22 van die Hoofwet word hierby gewysig deur 40 subartikel (6) deur die volgende subartikel te vervang: Wysiging van artikel 22 van Wet 53 van 1974, soos gewysig deur artikel 9 van Wet 36 van 1977.

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- „(6) (a) 'n Regpersoon wat nie onmiddellik voor die inwerkingtreding van hierdie Wet as kleinhandelsapteker sake gedoen het nie, mag as sodanig sake doen indien dit 'n private maatskappy is wat 'n aandelekapitaal het en kragtens die Maatskappywet, 1973 (Wet No. 61 van 1973), as 'n private maatskappy ingelyf en geregistreer is **[en indien sy akte van oprigting bepaal dat sy direkteure en voormalige direkteure gesamentlik en afsonderlik, tesame met die maatskappy aanspreeklik is vir die skulde en verpligtings van die maatskappy wat gedurende hul ampstermyne aangegaan word of is].**
- (b) Ondanks die bepalings van die Maatskappywet, 1973, geld die volgende bepalings ten opsigte van so 'n maatskappy—
- 55 60
- (i) Slegs natuurlike persone wat aptekers is, mag die aandele van so 'n maatskappy hou of 'n belang in sodanige aandele hê: Met dien verstande dat ingeval iemand te sterwe kom of ophou om te kwalifiseer om aldus aandele van die maatskappy te hou, enige aandele daarvan wat voor dit deur hom gehou is, nog deur hom of sy boedel gehou kan word vir 'n tydperk van **[ses]** twaalf maande of dié langer tydperk wat die raad bepaal.

Act No. 20, 1979

PHARMACY AMENDMENT ACT, 1979.

- (ii) No voting rights, except in respect of a resolution enabling the 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 [or participate in the income or profits earned by that company by the carrying on of its retail pharmacy business]. 10
- (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, except the managing director thereof, shall 15 be a director of that company.
- (iv) The name of the company shall consist solely of the name or names of any of the members or former members of the company or of persons who carried on, either for their own account or in 20 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 the company.''. 25

Amendment of
section 29 of
Act 53 of 1974.

10. Section 29 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(a) the manipulation, preparation or compounding of any medicine or medicinal or chemical substance 30 [(whether it does or does not contain a poison)] for sale or supply as a medicine;”;
- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
- “(b) the compounding or sale or supply [— 35 (i) of any medicine on the prescription of a medical practitioner, [or] dentist or veterinarian; [or]
(ii) of any chemical substance on the prescription of a veterinarian;];”;
- (c) by the addition of the following paragraph to subsection (2):
- “(d) the furnishing of advice to any person with regard to any medicine supplied to him;”;
- (d) by the substitution for subparagraph (ii) of paragraph (b) 45 of subsection (3) of the following subparagraph:
- “(ii) of [an unqualified] a pharmacist's assistant, pharmaceutical technician or other pharmaceutical auxiliary personnel];”;
- (e) by the substitution for paragraph (c) of subsection (3) of 50 the following paragraph:
- “(c) the manufacture or packing [for human use] of any medicine or medicinal or chemical substance by a person referred to in subsection (4), by virtue of a permit granted in terms of that subsection;”;
- (f) by the substitution for subsection (4) of the following subsection:
- “(4) The Minister may, after consultation with the board, grant a permit to a person not registered under this Act, authorizing such person to manufacture, [or] pack or sell [, for human use,] any medicine or medicinal or chemical substance specified in the permit, 60

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- (ii) Daar is geen stèmreg, behalwe ten opsigte van 'n besluit waarby die maatskappy in staat gestel word om te voldoen aan die bepalings van hierdie artikel of om sy onderneming of bates of enige deel daarvan van die hand te sit, verbonde aan 'n aandeel wat ingevolge die voorbehoudsbepaling by subparagraph (i) gehou word nie, en die houer van so 'n aandeel mag nie direkteursgelde **[ontvang]** of enige vergoeding ontvang **[of deel in die inkomste of die winste deur daardie maatskappy deur die dryf van sy kleinhandelsaptekersaak verdien]** nie.
- (iii) Elke houer van aandele van sodanige maatskappy, uitgesonderd iemand bedoel in die voorbehoudsbepaling by subparagraph (i), word geag 'n direkteur van die maatskappy te wees, en niemand wat nie so 'n houer is nie, behalwe die besturende direkteur daarvan, mag 'n direkteur van die maatskappy wees nie.
- (iv) Die naam van die maatskappy moet uitsluitlik bestaan uit die naam of name van lede of voormalige lede van die maatskappy of van persone wat, hetsy vir eie rekening of in vennootskap, enige aptekersaak gedryf het wat redelikerwys as 'n voorganger van die saak van die maatskappy beskou kan word: Met dien verstande dat die woorde 'en geassosieerde' of 'en maatskappy' by die naam van die maatskappy ingesluit kan word.''.
- 30 10. Artikel 29 van die Hoofwet word hierby gewysig—**
- (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
- „(a) die bewerking, voorbereiding of aanmaak van medisyne of 'n medisinale of skeikundige stof **[hetsy dit 'n vergif bevat al dan nie]** vir verkoop of verskaffing as medisyne;"
- (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
- „(b) die aanmaak of verkoop of verskaffing **[—]**
- (i) van medisyne volgens voorskrif van 'n geneesheer, **[of]** tandarts of veearts; **[of]**
- (ii) van 'n skeikundige stof volgens voorskrif van 'n veearts;**[—]**"
- (c) deur die volgende paragraaf by subartikel (2) te voeg:
- „(d) die verstrekking van advies aan iemand betreffende medisyne wat aan hom verskaf is.";
- (d) deur subparagraph (ii) van paragraaf (b) van subartikel (3) deur die volgende subparagraph te vervang:
- „(ii) van 'n **[ongekwalifiseerde assistent]** aptekersas-sistent, farmaseutiese tegnikus of ander farmaseu-tiese hulppersoneel nie;"
- (e) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:
- „(c) die vervaardiging of verpakking **[vir menslike gebruik]** van medisyne of 'n medisinale of skeikundige stof deur 'n in subartikel (4) bedoelde persoon, kragtens 'n permit ingevolge daardie subartikel verleen nie;"
- (f) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) Die Minister kan na oorlegpleging met die raad aan 'n persoon wat nie kragtens hierdie Wet geregistreer is nie 'n permit uitreik waarby daardie persoon gemagtig word om, onderworpe aan die voorwaardes wat in daardie permit uiteengesit word, die medisyne of medisinale of skeikundige stof in die permit vermeld

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subject to such conditions as may be set out in the permit.”; and
 (g) by the addition of the following subsection:
 “(5) If he is of the opinion that it is in the public interest to do so, the Secretary for Health may, pending the Minister’s decision in respect of an application for a permit referred to in subsection (4), grant a provisional permit to the applicant concerned, authorizing him to manufacture, pack or sell any medicine or medicinal or chemical substance specified in such provisional permit, subject to such conditions as may be determined by the said Secretary and set out in the provisional permit.”.

Amendment of
section 35 of
Act 53 of 1974.

11. Section 35 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Every pharmacy shall, except in such circumstances and subject to such conditions as may be prescribed, be conducted under the continuous personal supervision of a pharmacist, whose name shall be displayed conspicuously over the main entrance of such pharmacy.”.

Amendment of
section 37 of
Act 53 of 1974.

12. Section 37 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(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 twelve months 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;”.

Insertion of
section 38A in
Act 53 of 1974.

13. The following section is hereby inserted in the principal Act after section 38:

“Powers of
officers and
other persons.
38A. (1) Any officer appointed in terms of this Act who is required or authorized to perform any duty on behalf of the board and any person appointed by virtue of the provisions of section 49 (1) (l) (v) to make any inspection, may enter any pharmacy at any time reasonable for the proper performance of such duty or the making of such inspection.

(2) Any person who fails to give or refuses access to any officer or person referred to in subsection (1), if he requests entrance to any pharmacy, or obstructs or hinders him in the execution of his duties under this Act, or who fails or refuses to give information that he may lawfully be required to give to such officer or person, or who gives to such officer or person false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

(3) Every officer or person referred to in subsection (1) shall be issued with a document signed by the registrar and containing the name of the officer or person concerned as well as a statement to the effect that such officer or person is empowered to perform any duty or make any inspection in terms of this section.

(4) Whenever any officer or person performs any duty or makes any inspection as contemplated in this section, he shall exhibit to any person affected thereby the document issued to him in terms of subsection (3).”.

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- [vir menslike gebruik]** te vervaardig, **[of]** te verpak of te verkoop.”; en
- (g) deur die volgende subartikel by te voeg:
- „(5) Indien hy van oordeel is dat dit in die openbare belang is om dit te doen, kan die Sekretaris van Gesondheid, in afwagting van die Minister se besluit ten opsigte van 'n aansoek om 'n permit bedoel in subartikel (4), 'n voorlopige permit aan die betrokke aansoeker uitrek waarby hy gemagtig word om, onderworpe aan die voorwaardes wat bedoelde Sekretaris bepaal en wat in die voorlopige permit uiteengesit word, die medisyne of medisinale of skeikundige stof in daardie voorlopige permit vermeld, te vervaardig, te verpak of te verkoop.”.
- 15 11. Artikel 35 van die Hoofwet word hierby gewysig deur Wysiging van
subartikel (1) deur die volgende subartikel te vervang. artikel 35 van
Wet 53 van 1974.
- „(1) Iedere apteek moet, behalwe in die omstandighede
en onderworpe aan die voorwaardes wat voorgeskryf
word, gedryf word onder die voortdurende persoonlike
toesig van 'n apteker, wie se naam op 'n opvallende wyse bo
die hoofgang van daardie apteek aangebring moet wees.”.
- 15 12. Artikel 37 van die Hoofwet word hierby gewysig deur Wysiging van
paragraaf (a) deur die volgende paragraaf te vervang. artikel 37 van
Wet 53 van 1974.
- „(a) kan die eksekuteur van die bestorwe boedel van 'n
apteker, behoudens die wette op die administrasie van
boedels, vir 'n tydperk van hoogstens **[vyf jaar]**
twaalf maande na die datum van die dood van daardie
apteker, en vir die bykomende tydperk wat na goed-
dunke deur die raad toegelaat word, die aptekersaak van
die oorledene voortsit, mits dit gedryf word onder die
voortdurende persoonlike toesig van 'n apteker.”.
- 15 13. Die volgende artikel word hierby in die Hoofwet na artikel Invoeging van
38 ingevoeg: artikel 38A in
Wet 53 van 1974.
- „Bevoegdhede van beampies en ander persone. 38A. (1) 'n Ingevolge hierdie Wet aangestelde
beampte wat ten behoeve van die raad enige plig
moet of kan verrig en enige persoon wat uit hoofde
van die bepalings van artikel 49 (1) (l) (v) aangestel is
om enige inspeksie te doen, kan, te eniger tyd wat
redelik is vir die behoorlike verrigting van daardie
plig of die doen van daardie inspeksie, enige apteek
betreue.
- 40 (2) Iemand wat versuim of weier om toegang te
verleen aan 'n beampte of persoon bedoel in subar-
tikel (1) indien hy toegang tot 'n apteek versoek, of
wat hom dwarsboom of hinder by die uitvoering van
sy pligte kragtens hierdie Wet, of wat versuim of
weier om inligting te verstrek wat wettiglik van hom
vereis kan word om aan so 'n beampte of persoon vals of
misleidende inligting verstrek terwyl hy weet dat dit
vals of misleidend is, is aan 'n misdryf skuldig.
- 45 (3) Aan elke beampte of persoon bedoel in
subartikel (1) moet 'n dokument uitgereik word,
onderteken deur die registrateur en wat die naam van
die betrokke beampte of persoon bevat sowel as 'n
verklaring met die strekking dat daardie beampte of
persoon gemagtig is om enige plig te verrig of
inspeksie te doen ingevolge hierdie artikel.
- 50 (4) Wanneer 'n beampte of persoon 'n plig verrig
of 'n inspeksie doen soos beoog in hierdie artikel,
moet hy die dokument wat ingevolge subartikel (3)
aan hom uitgereik is, toon aan enigiemand wat
daardeur geraak word.”.

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Amendment of
section 43 of
Act 53 of 1974.

- 14.** Section 43 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- “(1) No pharmacist shall pay to any **[medical practitioner]** person any commission or in any other manner reward him in connection with a prescription **[which the]** issued by a medical practitioner or veterinarian **[has supplied]**.”

Amendment of
section 44 of
Act 53 of 1974.

- 15.** Section 44 of the principal Act is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:
- “(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 or disgraceful conduct on the part of a registered person, or of conduct which when regard is had to such person's profession is 15 improper or disgraceful, the court shall direct that a copy of the record of such proceedings, or such portion thereof as is material to the issue, or in the case of the payment by such person of an admission of guilt fine referred to in section 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), a copy of the summons or written notice in question, shall be transmitted to the board.”; and
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) The board shall appoint a person, excluding the registrar or a member, to institute and conduct before the board proceedings under this Chapter: Provided that if a person so appointed is absent or for any other reason unable to perform his duties, the board may, subject to 30 the provisions of this subsection, appoint any other person to perform, during such absence or incapacity, the duties of such first-mentioned person.”

Amendment of
section 45 of
Act 53 of 1974.

- 16.** Section 45 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) suspension for a specified period from practising or performing acts specially pertaining to his profession or, if he is a trainee pharmacist or **[an unqualified]** a pharmacist's assistant, from performing such acts as he 40 may perform in terms of this Act; or”.

Insertion of
section 45A in
Act 53 of 1974.

- 17.** The following section is hereby inserted in the principal Act after section 45:
- “Postponement **45A.** (1) Where the board finds a person referred to of imposition, in section 45 (1) guilty of conduct referred to therein, and suspension of operation, of it may—
- (a) postpone, for such period and on such conditions as it may determine, the imposition of a penalty; or
- (b) impose any penalty mentioned in section 45 (1) (b) or (c), but order the execution of such penalty to be suspended for such period and on such conditions as it may determine.
- (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 him that no penalty will be imposed upon him.
- (b) If the execution of a penalty has been suspended in terms of subsection (1) (b), and the board is satisfied that the person concerned has observed all relevant conditions throughout the period of

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14. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 43 van Wet 53 van 1974.

„(1) Geen apteker mag kommissie aan **[n geneesheer]** enige persoon betaal of hom op enige ander wyse beloon in verband met 'n voorskrif **[wat die] uitgereik deur 'n geneesheer of veearts [verskaf het]** nie.”.

15. Artikel 44 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 44 van Wet 53 van 1974.

10 „(2) Wanneer in die loop van verrigtinge voor 'n gereghof dit vir die hof duidelik word dat daar *prima facie*-bewys bestaan van onbetaamlike of skandelike gedrag van die kant van 'n geregistreerde persoon, of van gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skandelik is, moet die hof gelas dat 'n afskrif van die oorkonde van die verrigtinge, of die gedeelte daarvan wat tersaaklik is, of, in die geval van die betaling deur so 'n persoon van 'n skulderkenningsboete bedoel in artikel 57 van die Strafproseswet, 1977 (Wet No. 51 van 1977), 'n afskrif van die betrokke dagvaarding of skriftelike kennisgeving, aan die raad gestuur moet word.'; en

20 (b) deur subartikel (3) deur die volgende subartikel te vervang:

25 „(3) Die raad moet 'n persoon, uitgesonderd die registrateur of 'n lid, aanstel om verrigtinge kragtens hierdie Hoofstuk in te stel en voor die raad aan te voer: Met dien verstande dat indien 'n persoon wat aldus aangestel is, afwesig is of om enige ander rede nie in staat is om sy pligte te verrig nie, die raad, behoudens die bepalings van hierdie subartikel, enige ander persoon kan aanstel om gedurende bedoelde afwesigheid of onvermoë die pligte van daardie eersgenoemde persoon te verrig.”.

35 16. Artikel 45 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 45 van Wet 53 van 1974.

40 „(b) skorsing, vir 'n vasgestelde tydperk, in sy praktyk of die verrigting van handelinge wat by uitstek by sy beroep tuishoort, of, indien hy 'n kwekeling-apteker of 'n **[ongekwalificeerde assistent]** aptekersassistent is, in die verrigting van die handelinge wat hy ingevolge hierdie Wet kan verrig; of'.

17. Die volgende artikel word hierby in die Hoofwet na artikel 45 ingevoeg:

Invoeging van artikel 45A in Wet 53 van 1974.

„Uitstel van oplegging, en opskorting van tenuitvoerlegging, van straf.

50 **45A.** (1) Waar die raad 'n persoon in artikel 45

(1) bedoel, skuldig bevind aan gedrag daarin vermeld, kan hy—

(a) die oplegging van 'n straf uitstel vir die tydperk en op die voorwaardes wat hy bepaal; of

(b) 'n straf vermeld in artikel 45 (1) (b) of (c) ople, maar beveel dat die tenuitvoerlegging van die straf opgeskort word vir die tydperk en op die voorwaardes wat hy bepaal.

55 (2) (a) Indien die raad oortuig is, na afloop van die tydperk waarvoor die oplegging van 'n straf ingevolge subartikel (1) (a) uitgestel is, dat die betrokke persoon al die toepaslike voorwaardes nagekom het, moet die raad hom medeeel dat geen straf hom opgelê gaan word nie.

(b) Indien die tenuitvoerlegging van 'n straf ingevolge subartikel (1) (b) opgeskort is, en die raad oortuig is dat die betrokke persoon gedurende die hele tydperk van die opskorting al die

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Act 53 of 1974,
as amended by
section 11 of
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suspension, the board shall inform him that such penalty will not be executed.

- (c) If the execution of a penalty has been suspended in terms of subsection (1) (b) and 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 in question was due to circumstances beyond his control.”. 10

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

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 “(a) the practice of pharmacy **[and]**, the conduct of the business of a pharmacist **and the tariff of fees payable to a pharmacist in respect of professional services rendered by him;**”; 15
- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
 “(d) any fees payable under this Act, including fees in respect of the registration of any person as a trainee pharmacist, pharmacy student, **[or]** pharmaceutical technician, **pharmacist's assistant or pharmaceutical auxiliary personnel member and exemption from the payment of any such fees;**”; and 20
- (c) by the insertion in subsection (1) of the following paragraph after paragraph (m):
 “**(mA) supplementary training or refresher courses to be undergone or taken by persons registered under this Act and the provision of and control over such training or courses;**”. 25 30

Short title.

- 19. This Act shall be called the Pharmacy Amendment Act, 1979.**

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- toepaslike voorwaardes nagekom het, moet die raad hom medeeel dat sodanige straf nie ten uitvoer gelê sal word nie.

(c) Indien die tenuityoerlegging van 'n straf opgeskort is ingevolge subartikel (1) (b) en die betrokke persoon versuum om enige van die voorwaardes van opskorting na te kom, moet die raad sodanige straf ten uitvoer lê, tensy sodanige persoon die raad oortuig dat die nie-nakoming van die betrokke voorwaardes te wye was aan omstandighede buite sy beheer.”.

18. Artikel 49 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) die beroepsgebruiken van die apteker **[en]**, die dryf van 'n aptekersaak en die tarief van geldie wat betaalbaar is aan 'n apteker ten opsigte van professionele dienste deur hom gelewer;”;

(b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) geldie wat kragtens hierdie Wet betaalbaar is, met inbegrip van geldie ten opsigte van die registrasie van iemand as 'n kwekeling-apteker, aptekerstudent, **[of]** farmaseutiese tegnikus, aptekersassistent of farmaseutiese hulppersoneellid en vrystelling van betaling van sodanige geldie;”; en

(c) deur in subartikel (1) die volgende paragraaf na paragraaf (m) in te voeg:

„(mA) aanvullende opleiding of opknappingskursusse wat ondergaan of gevolg moet word deur persone wat kragtens hierdie Wet geregistreer is en die verskaffing van en beheer oor sodanige opleiding of kursusse;”.

Wysiging van artikel 49 van Wet 53 van 1974, soos gewysig deur artikel 11 van Wet 36 van 1977.

19. Hierdie Wet heet die Wysigingswet op Aptekers, 1979. Kort titel:

