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GOVERNMENT GAZETTE

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OFFICE OF THE PRESIDENT

No. 548.

12 April 1995

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

No. 6 of 1995: Pharmacy Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 548.

12 April 1995

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

No. 6 van 1995: Wysigingswet op Aptekers, 1995.

GENERAL EXPLANATORY NOTE:

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

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

ACT

To amend the Pharmacy Act, 1974, so as to insert certain definitions and to amend others; to provide for the establishment, constitution and objects of the Interim Pharmacy Council of South Africa; to provide for the abolition of the South African Pharmacy Council; and to provide for the repeal of certain laws in respect of the pharmaceutical profession which remained in force in the various territories of the national territory of the Republic by virtue of section 229 of the Constitution; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 6 April 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 53 of 1974, as amended by section 1 of Act 20 of 1979, section 1 of Act 20 of 1983, section 1 of Act 69 of 1985 and section 23 of Act 94 of 1991

1. Section 1 of the Pharmacy Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of “corporation” of the following definition:

“‘Ciskeian Medical Council’ means the Ciskeian Medical Council established by section 2 of the Health Professions and Related Health Practices Act, 1984 (Act No. 36 of 1984) (Ciskei);”;

(b) by the insertion after the definition of “council” of the following definition:

“‘Director-General’ means the Director-General: Health or his or her nominee;”;

(c) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of Health **[and Welfare]**;”;

(d) by the deletion of the definition of “Republic”;

(e) by the insertion after the definition of “scheduled substance” of the following definition:

“‘South African Pharmacy Council’ means the South African Pharmacy Council referred to in section 2 of this Act prior to its amendment by the Pharmacy Amendment Act, 1995;”;

(f) by the insertion after the definition of “this Act” of the following definition:

“‘Transkeian Medical Council’ means the Transkeian Medical Council established by section 2 of the Medical, Allied and Supplementary Professions Act, 1976 (Act No. 30 of 1976) (Transkei);”.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

 Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Aptekers, 1974, ten einde sekere omskrywings in te voeg en ander te wysig; voorsiening te maak vir die instelling, samestelling en oogmerke van die Interim Aptekersraad van Suid-Afrika; voorsiening te maak vir die afskaffing van die Suid-Afrikaanse Aptekersraad; en voorsiening te maak vir die herroeping van sekere wette met betrekking tot die aptekersberoep wat uit hoofde van artikel 229 van die Grondwet van krag gebly het in die onderskeie gebiede van die nasionale grondgebied van die Republiek; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 6 April 1995.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 53 van 1974, soos gewysig deur artikel 1 van Wet 20 van 1979, artikel 1 van Wet 20 van 1983, artikel 1 van Wet 69 van 1985 en artikel 23 van Wet 94 van 1991

1. Artikel 1 van die Wet op Aptekers, 1974 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur na die omskrywing van "aptekersassistent" die volgende omskrywings in te voeg:
 - 10 " 'Ciskeise Mediese Raad' die 'Ciskeian Medical Council' ingestel by artikel 2 van die 'Health Professions and Related Health Practices Act, 1984' (Wet No. 36 van 1984) (Ciskei);
 - 15 'Direkteur-generaal' die Direkteur-generaal: Gesondheid of sy of haar genomineerde;";
- (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

" 'Minister' die Minister van Gesondheid **[en Welsyn]**";;
- (c) deur die omskrywing van "Republiek" te skrap; en
- (d) deur na die omskrywing van "regulasie" die volgende omskrywings in te voeg:
 - 20 " 'Suid-Afrikaanse Aptekersraad' die Suid-Afrikaanse Aptekersraad bedoel in artikel 2 van hierdie Wet voordat vermeldde artikel 2 deur die Wysigingswet op Aptekers, 1995, gewysig is;
 - 25 "Transkeise Mediese Raad' die 'Transkeian Medical Council' ingestel by artikel 2 van die 'Medical, Allied and Supplementary Professions Act, 1976' (Wet No. 30 van 1976) (Transkei);".

Substitution of heading to Chapter I of Act 53 of 1974

2. The following heading is hereby substituted for the heading to Chapter I of the principal Act:

“**[Continued Existence]** Establishment and Objects, Powers and Functions of the **[South African Pharmacy Board]** Interim Pharmacy Council of South Africa”.

Substitution of section 2 of Act 53 of 1974, as substituted by section 2 of Act 69 of 1985

3. The following section is hereby substituted for section 2 of the principal Act:

“Establishment of Interim Pharmacy Council of South Africa

2. (1) There is hereby established a juristic person to be known as the Interim Pharmacy Council of South Africa and the first meeting of the council shall be convened by the Director-General.

(2) The head office of the council shall be situated in Pretoria.”.

Amendment of section 3 of Act 53 of 1974

4. Section 3 of the principal Act is hereby amended by the deletion of the word “and” at the end of paragraph (c) and the addition of the following paragraphs:

- “(e) to make recommendations to the Minister on the constitution of a new council within a period not exceeding 24 months calculated as from the date of commencement of the Pharmacy Amendment Act, 1995; and
- (g) to advise the Minister with regard to the amendment or adjustment of this Act in order to support the universal norms and values of the pharmaceutical profession, with greater emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement.”.

Amendment of section 4 of Act 53 of 1974

5. Section 4 of the principal Act is hereby amended by the deletion of the proviso to paragraph (h).

Substitution of section 5 of Act 53 of 1974, as amended by section 2 of Act 20 of 1979 and section 3 of Act 69 of 1985

6. The following section is hereby substituted for section 5 of the principal Act:

“Constitution of council

5. (1) The council shall consist of the following members, appointed by the Minister, namely—

- (a) nine registered pharmacists nominated by the South African Pharmacy Council from its members, three of whom shall each be a member of the staff of a university or a technikon (but not members of the same staff) at which provision is made for the training of pharmacists;
- (b) three registered pharmacists nominated by the Ciskeian Medical Council;
- (c) three registered pharmacists nominated by the Transkeian Medical Council;
- (d) an officer of the Department of Health;
- (e) one person registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), and who practices as such;
- (f) one person registered as a nurse in terms of the Nursing Act, 1978 (Act No. 50 of 1978), and who practises as such;
- (g) one person appointed on account of his or her knowledge of the law;
- (h) six other persons.

Vervanging van opskrif by Hoofstuk I van Wet 53 van 1974

2. Die opskrif by Hoofstuk I van die Hoofwet word hierby deur die volgende opskrif vervang:

- 5 “**[Voortbestaan]** Instelling en Oogmerke, Bevoegdhede en Werksaamhede van die **[Suid-Afrikaanse Aptekerskommissie]** Interim Aptekersraad van Suid-Afrika”.

Vervanging van artikel 2 van Wet 53 van 1974, soos vervang deur artikel 2 van Wet 69 van 1985

3. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Instelling van Interim Aptekersraad van Suid-Afrika

2. (1) Hierby word ’n regspersoon met die naam die Interim Aptekersraad van Suid-Afrika ingestel en die eerste vergadering van die raad word deur die Direkteur-generaal belê.

(2) Die hoofkantoor van die raad is in Pretoria geleë.”.

15 Wysiging van artikel 3 van Wet 53 van 1974

4. Artikel 3 van die Hoofwet word hierby gewysig deur die woord “en” aan die einde van paragraaf (c) te skrap en die volgende paragrawe by te voeg:

20 “(e) binne ’n tydperk van hoogstens 24 maande bereken vanaf die datum van inwerkingtreding van die Wysigingswet op Aptekers, 1995, aanbevelings aan die Minister te doen oor die samestelling van ’n nuwe raad; en

25 (f) die Minister van advies te dien met betrekking tot die wysiging of aanpassing van hierdie Wet ten einde die universele norme en waardes van die aptekersberoep te ondersteun, met groter klem op professionele praktyk, demokrasie, deursigtigheid, gelykheid, toeganklikheid en gemeenskapsbetrokkenheid.”.

Wysiging van artikel 4 van Wet 53 van 1974

5. Artikel 4 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by paragraaf (h) te skrap.

30 Vervanging van artikel 5 van Wet 53 van 1974, soos gewysig deur artikel 2 van Wet 20 van 1979 en artikel 3 van Wet 69 van 1985

6. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Samestelling van raad

35 **5. (1) Die raad bestaan uit die volgende lede wat deur die Minister aangestel word, naamlik—**

40 (a) nege geregistreerde aptekers aangewys deur die Suid-Afrikaanse Aptekersraad uit sy lede, van wie drie elk ’n lid moet wees van die personeel van ’n universiteit of ’n teknikon (maar nie lede van dieselfde personeel nie) waar voorsiening gemaak word vir die opleiding van aptekers;

(b) drie geregistreerde aptekers aangewys deur die Ciskeise Mediese Raad;

45 (c) drie geregistreerde aptekers aangewys deur die Transkeise Mediese Raad”;

(d) ’n beampte van die Departement van Gesondheid;

(e) een persoon wat kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), as ’n geneesheer geregistreer is en aldus praktiseer;

50 (f) een persoon wat kragtens die Wet op Verpleging, 1978 (Wet No. 50 van 1978), as ’n verpleegkundige geregistreer is en aldus praktiseer;

(g) een persoon aangestel op grond van sy of haar kennis van die reg;

(h) ses ander persone.

(2) The councils referred to in subsection (1)(a), (b) and (c) shall, within 14 days of the commencement of the Pharmacy Amendment Act, 1995, inform the Director-General in writing of the names of the persons nominated by them in terms of the relevant provisions of subsection (1).

(3) (a) If a council referred to in subsection (1)(a), (b) or (c) fails to nominate persons in terms of the said provisions or fails to inform the Director-General under subsection (2) of the names of the persons so nominated, the Minister shall appoint qualified persons up to the number required, as members of the council.

(b) The Director-General shall, in the case of a failure contemplated in paragraph (a), immediately inform the Minister thereof in writing.

(4) The Minister shall as soon as possible after the appointment of the members of the council inform the Director-General of the names of persons appointed by him or her.

(5) The names of the members of the council and the date of commencement of their period of office shall be made known by the Director-General in the *Gazette* as soon as possible after the constitution of the council.

(6) Subject to the provisions of section 7, the members of the council shall hold office as from the date contemplated in subsection (5) until the date of constitution of a new council, but not exceeding 24 months."

Repeal of section 6 of Act 53 of 1974

7. Section 6 of the principal Act is hereby repealed.

Amendment of section 7 of Act 53 of 1974, as amended by section 5 of Act 69 of 1985 and section 46 of Act 97 of 1986

8. Section 7 of the principal Act is hereby amended—

(a) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

"(g) **[being an elected member, he tenders his resignation in writing to the registrar or if, being a member appointed by the Minister] he or she ceases to hold any qualification necessary for his or her appointment or tenders his or her resignation in writing to the Minister and the Minister accepts his or her resignation [or if, being a member appointed by the South African Medical and Dental Council referred to in section 5(1)(c) or the South African Nursing Council referred to in section 5(1)(d), he tenders his resignation in writing to the council in question]; or**"; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) Every vacancy on the council arising from a circumstance referred to in subsection (1) and every vacancy caused by the death of a member shall be filled by appointment **[or election according as the vacating member was appointed or elected]** by the Minister of a person nominated by the council, and every member so appointed **[or elected]** shall hold office for the unexpired portion of the period for which the vacating member was appointed **[or elected]**."

Amendment of section 9 of Act 53 of 1974, as amended by section 3 of Act 20 of 1979

9. Section 9 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

(2) Die rade bedoel in subartikel (1)(a), (b) en (c) moet binne 14 dae na die inwerkingtreding van die Wysigingswet op Aptekers, 1995, die Direkteur-generaal skriftelik in kennis stel van die name van die persone wat ingevolge die toepaslike bepalings van subartikel (1) deur hulle aangewys is.

(3) (a) Indien 'n raad bedoel in subartikel (1)(a), (b) of (c) versuim om ingevolge bedoelde bepalings persone aan te wys of versuim om die Direkteur-generaal kragtens subartikel (2) in kennis te stel van die name van die persone aldus aangewys, moet die Minister geskikte persone, tot die vereiste getal, aanstel as lede van die raad.

(b) In die geval van 'n versuim in paragraaf (a) beoog, moet die Direkteur-generaal die Minister onmiddellik skriftelik daarvan in kennis stel.

(4) Die Minister moet so spoedig moontlik na die aanstelling van die lede van die raad die Direkteur-generaal in kennis stel van die name van die persone wat hy of sy aangestel het.

(5) Die name van die lede van die raad en die datum van aanvang van hulle ampstermyn moet so spoedig moontlik na die samestelling van die raad deur die Direkteur-generaal in die *Staatskoerant* bekend gemaak word.

(6) Behoudens die bepalings van artikel 7 beklee die lede van die raad hulle amp vanaf die datum in subartikel (5) beoog tot die datum van instelling van 'n nuwe raad, maar vir hoogstens 24 maande."

25 Herroeping van artikel 6 van Wet 53 van 1974

7. Artikel 6 van die Hoofwet word hierby herroep.

Wysiging van artikel 7 van Wet 53 van 1974, soos gewysig deur artikel 5 van Wet 69 van 1985 en artikel 46 van Wet 97 van 1986

8. Artikel 7 van die Hoofwet word hierby gewysig—

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

“(g) hy of sy [as hy 'n verkose lid is, skriftelik sy bedanking by die registrateur indien of indien hy, as hy 'n deur die Minister aangestelde lid is] ophou om 'n bevoegdheid te besit wat vir sy of haar aanstelling nodig is of skriftelik sy of haar bedanking by die Minister indien en die Minister sy of haar bedanking aanvaar [of indien hy, as hy 'n lid is wat aangestel is deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in artikel 5(1)(c) of die Suid-Afrikaanse Raad op Verpleging bedoel in artikel 5(1)(d), skriftelik sy bedanking by die betrokke raad indien]; of”; en

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

“(2) Elke vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (1) bedoel en elke vakature wat veroorsaak word deur die dood van 'n lid, word gevul deur aanstelling [of verkiesing na gelang die lid wie se amp vakant geword het, aangestel of verkies was] deur die Minister van 'n persoon deur die raad aangewys, en elke lid wat aldus aangestel [of verkies] word, beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel [of verkies] was.”

Wysiging van artikel 9 van Wet 53 van 1974, soos gewysig deur artikel 3 van Wet 20 van 1979

9. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) **[Eight]** The majority of the members of the council shall form a quorum at any meeting of the council.”

Repeal of section 50A of Act 53 of 1974

10. Section 50A of the principal Act is hereby repealed.

Substitution of section 51 of Act 53 of 1974

11. The following section is hereby substituted for section 51 of the principal Act:

“Abolition of South African Pharmacy Council, and transitional provisions

51. (1) The South African Pharmacy Council shall cease to exist on the day immediately preceding the date of the first meeting of the council, and all rights, obligations, assets and liabilities acquired or incurred, as the case may be, by the South African Pharmacy Council, shall immediately vest in the council and the council shall be deemed to have acquired or incurred such rights, obligations, assets and liabilities in terms of this Act.

(2) (a) The registrar of deeds concerned shall, at the request of the council and on submission of the relevant title deeds and other documents, make the necessary entries and endorsements in respect of his or her registers and other documents in order to give effect to a transfer in terms of subsection (1).

(b) No transfer duty, stamp duty or other fees shall be payable in respect of such transfer, entry or endorsement.”

Substitution of long title of Act 53 of 1974

12. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To **[consolidate and amend the laws providing for the establishment of the South African Pharmacy Council and]** establish the Interim Pharmacy Council of South Africa; to provide for the training and registration of pharmacists, pharmacist interns, pharmacy students, unqualified assistants and pharmaceutical technicians; to provide for the control of the practice of the pharmaceutical profession; and to provide for matters incidental thereto.”

Repeal of laws, and savings

13. (1) Subject to the provisions of this section, the laws mentioned in the second column of the Schedule are repealed as from the date on which the South African Pharmacy Council is abolished in terms of section 51 of the principal Act as indicated in the third column of the Schedule, to the extent that such laws were in force immediately prior to the commencement of the Constitution in the various territories of the national territory of the Republic as set out in the fourth column of the Schedule.

(2) Any proclamation, notice, regulation, authorisation, rule or order issued, made, granted or done in terms of a provision of any law repealed in terms of subsection (1) shall, unless it is inconsistent with any provision of the principal Act, be deemed to have been issued, made, granted or done under the corresponding provision of the principal Act, and shall stay in force until cancelled or repealed by the Interim Pharmacy Council of South Africa, established by section 2 of the principal Act (in this section referred to as the interim council).

(3) Any registration of a person or any removal of a name from a register or any appointment or anything else done in terms of a provision of any law repealed in terms of subsection (1), shall be deemed to have been done under the principal Act.

“(3) [Agt] Die meerderheid van die lede van die raad maak ’n kworum op ’n vergadering van die raad uit.”.

Herroeping van artikel 50A van Wet 53 van 1974

10. Artikel 50A van die Hoofwet word hierby herroep.

5 Vervanging van artikel 51 van Wet 53 van 1974

11. Artikel 51 van die Hoofwet word hierby deur die volgende artikel vervang:

“Afskaffing van Suid-Afrikaanse Aptekersraad, en oorgangsmaatreëls

15 **51.** (1) Die Suid-Afrikaanse Aptekersraad hou op om te bestaan op die dag onmiddellik voor die dag waarop die eerste vergadering van die raad gehou word, en alle regte, verpligtinge, bates en skulde wat deur die Suid-Afrikaanse Aptekersraad verkry of aangegaan is, na gelang van die geval, gaan onmiddellik oor op die raad en die raad word geag sodanige regte, verpligtinge, bates en skulde ingevolge hierdie Wet te verkry of aan te gegaan het.

20 (2) (a) Die betrokke registrateur van aktes moet, op versoek van die raad en by voorlegging van die tersaaklike titelbewyse en ander stukke, die nodige aantekeninge en endossemente ten opsigte van sy of haar registers en ander stukke aanbring ten einde ’n oordrag ingevolge subartikel (1) te bewerkstellig.

(b) Geen hereregte, seëlregte en ander gelde is ten opsigte van so ’n oordrag, inskrywing of endossement betaalbaar nie.”.

Vervanging van lang titel van Wet 53 van 1974

12. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

25 “WET

30 Tot [samevatting en wysiging van die wette wat voorsiening maak vir die instelling van die Suid-Afrikaanse Aptekerskommissie en] instelling van die Interim Aptekersraad van Suid-Afrika; om voorsiening te maak vir die opleiding en registrasie van aptekers, apteker-interns, aptekerstudente, ongekwalifiseerde assistente en farmaseutiese tegnici; om voorsiening te maak vir beheer oor die beoefening van die aptekersberoep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”.

Herroeping van wette, en voorbehoude

35 13. (1) Behoudens die bepalinge van hierdie artikel word die wette genoem in die tweede kolom van die Bylae vanaf die datum waarop die Suid-Afrikaanse Aptekersraad ingevolge artikel 51 van die Hoofwet afgeskaf word, herroep soos aangedui in die derde kolom van die Bylae, in die mate waarin sodanige wette van krag was onmiddellik voor die datum van inwerkingtreding van die Grondwet in die onderskeie gebiede van die nasionale grondgebied van die Republiek soos uiteengesit in die vierde kolom van die Bylae.

40 (2) ’n Proklamasie, kennisgewing, regulasie, magtiging, reël of bevel uitgereik, uitgevaardig, verleen of gegee ingevolge ’n bepaling van ’n wet wat ingevolge subartikel (1) herroep word, word, tensy onbestaanbaar met ’n bepaling van die Hoofwet, geag kragtens die ooreenstemmende bepaling van die Hoofwet uitgereik, uitgevaardig, verleen of gegee te gewees het, en bly van krag totdat dit deur die Interim Aptekersraad van Suid-Afrika, ingestel by artikel 2 van die Hoofwet (in hierdie artikel die interim raad genoem), ingetrek of herroep word.

50 (3) ’n Registrasie van ’n persoon of ’n skraping van ’n naam uit ’n register of ’n aanstelling of enigiets anders gedoen ingevolge ’n bepaling van ’n wet wat ingevolge subartikel (1) herroep word, word geag kragtens die Hoofwet gedoen te gewees het.

(4) Notwithstanding the provisions of subsection (1), any inquiry, including any preliminary investigation undertaken to determine whether *prima facie* evidence exists which would justify such inquiry, into alleged improper or disgraceful conduct by any person, conducted by a council abolished by section 51 of the principal Act and which has not been concluded at the date of the first meeting of the interim council, shall be continued and concluded by the interim council in accordance with the provisions of the law under which the inquiry was instituted, as if such law had not been repealed.

(5) Notwithstanding the provisions of subsection (1), the interim council shall have the power to institute and conclude disciplinary proceedings under the relevant provisions of the repealed laws in accordance with the procedures as prescribed by regulations made under section 49 of the principal Act, against any person who, at any time prior to the first meeting of the interim council, is alleged to have committed an act which may have constituted improper or disgraceful conduct in terms of the provisions of the repealed laws or any regulation made thereunder: Provided that the interim council shall not institute proceedings against any person unless the nature of the contravention which the person is alleged to have committed in terms of the repealed laws or any regulation made thereunder, substantially corresponds to that of a contravention referred to in the corresponding provisions of the principal Act or any regulation made thereunder.

(6) Any act performed or decision taken by the Ciskeian Medical Council or the Transkeian Medical Council, relating to pharmacy matters, shall be deemed to have been performed or taken, as the case may be, under the corresponding provisions of the principal Act.

(7) Any person employed by the South African Pharmacy Council and any person concerned with matters with regard to pharmaceutical services employed by the Ciskeian Medical Council and the Transkeian Medical Council, immediately prior to the date referred to in subsection (1), shall be deemed to have been appointed by the interim council in terms of section 11 of the principal Act.

(8) The person who was the registrar of the South African Pharmacy Council immediately prior to the date referred to in subsection (1), shall continue to hold such office until the interim council appoints a registrar in terms of section 11 of the principal Act.

(9) The registrar referred to in subsection (8) and the persons who immediately prior to the date referred to in subsection (1) were the registrars of the Ciskeian Medical Council and the Transkeian Medical Council shall, within 14 days after the commencement of this Act furnish the Director-General: Health with the registers, minutes, financial statements and any other relevant documents of their respective councils relating to pharmaceutical matters.

(10) In this section, "South African Pharmacy Council", "Transkeian Medical Council" and "Ciskeian Medical Council" shall mean the South African Pharmacy Council, the Transkeian Medical Council and the Ciskeian Medical Council as defined in section 1 of the principal Act, respectively.

Extension of application of Act 53 of 1974

14. The principal Act, as it was in force immediately prior to the commencement of this Act in the national territory of the Republic excluding the areas which comprised the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the areas which comprised the territories declared under section 26 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), to be self-governing territories, shall, from the date referred to in section 13(1), apply also in those areas.

General provision

15. During the period of existence of the Interim Pharmacy Council of South Africa, established by section 2 of the principal Act, the name "South African Pharmacy Council" shall be deemed to be the name of the interim council for the purposes of the issue of certificates, diplomas and distinguishing devices and its use on letterheads or on any other place where the name of the interim council is used.

(4) Ondanks die bepalings van subartikel (1) word 'n ondersoek, met inbegrip van 'n voorlopige ondersoek wat onderneem is om vas te stel of *prima facie*-getuienis bestaan wat so 'n ondersoek regverdig, na beweerde onbetaamlike of skandelijke gedrag deur 'n persoon, ingestel deur 'n raad wat by artikel 51 van die Hoofwet afgeskaf word, wat teen die datum van die eerste vergadering van die interim raad nie voltooi is nie, deur die interim raad voortgesit en afgehandel ooreenkomstig die bepalings van die wet waarkragtens die ondersoek ingestel is, asof sodanige wet nie herroep is nie.

(5) Ondanks die bepalings van subartikel 1 het die interim raad die bevoegdheid om dissiplinêre verrigtinge kragtens die betrokke bepalings van die herroepe wette in te stel en af te handel ooreenkomstig die prosedures soos voorgeskryf by regulasies wat kragtens artikel 49 van die Hoofwet uitgevaardig is, teen 'n persoon wat op enige tydstip voor die eerste vergadering van die interim raad na bewering 'n handeling verrig het wat onbetaamlike of skandelijke gedrag sou uitmaak ingevolge die bepalings van die herroepe wette of 'n regulasie daarkragtens uitgevaardig. Met dien verstande dat die interim raad geen verrigtinge teen 'n persoon instel nie tensy die aard van die oortreding wat die persoon na bewering gepleeg het ingevolge die herroepe wette of enige regulasie daarkragtens uitgevaardig, wesenlik ooreenstem met dié van 'n oortreding bedoel in die ooreenstemmende bepalings van die Hoofwet of enige regulasies daarkragtens uitgevaardig.

(6) Enige handeling verrig of besluit geneem deur die Ciskeise Mediese raad of die Transkeise Mediese Raad betreffende aptekersaangeleenthede word geag, verrig of geneem te gewees het, na gelang van die geval, kragtens die ooreenstemmende bepalings van die Hoofwet.

(7) Enige persoon wat onmiddellik voor die datum bedoel in subartikel (1) in diens was by die Suid-Afrikaanse Aptekersraad en enige persoon in diens by die Ciskeise Mediese Raad en Transkeise Mediese Raad wat onmiddellik voor daardie datum gemoeid was met aangeleenthede wat betrekking het op farmaseutiese dienste, word geag ingevolge artikel 11 van die Hoofwet deur die interim raad aangestel te gewees het.

(8) Die persoon wat onmiddellik voor die datum bedoel in subartikel (1) die registrateur van die Suid-Afrikaanse Aptekersraad was, gaan voort om sodanige amp te beklee totdat die interim raad 'n registrateur ingevolge artikel 11 van die Hoofwet aanstel.

(9) Die registrateur bedoel in subartikel (8) en die persone wat onmiddellik voor die datum bedoel in subartikel (1) die registrateurs van die Transkeise Mediese Raad en die Ciskeise Mediese Raad was, moet binne 14 dae na die inwerkingtreding van hierdie Wet die Direkteur-generaal: Gesondheid voorsien van die registers, notules, finansiële state en enige ander tersaaklike dokumente van hulle onderskeie rade betreffende farmaseutiese aangeleenthede.

(10) In hierdie artikel beteken "Suid-Afrikaanse Aptekersraad", "Transkeise Mediese Raad" en "Ciskeise Mediese Raad" onderskeidelik die Suid-Afrikaanse Aptekersraad, die Transkeise Mediese Raad en die Ciskeise Mediese Raad soos omskryf in artikel 1 van die Hoofwet.

Uitbreiding van toepassing van Wet 53 van 1974

14. Die Hoofwet, soos dit onmiddellik voor die inwerkingtreding van hierdie Wet van krag was in die nasionale grondgebied van die Republiek met uitsluiting van die gebiede wat die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei uitgemaak het en die gebiede wat die gebiede uitgemaak het wat kragtens artikel 26 van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), tot selfregerende gebiede verklaar is, is vanaf die datum bedoel in artikel 13(1) ook van toepassing in daardie gebiede.

Algemene bepaling

15. Vir die tydperk van die bestaan van die Interim Aptekersraad van Suid-Afrika, ingestel by artikel 2 van die Hoofwet, word die benaming "Suid-Afrikaanse Aptekersraad" geag die benaming van die interim raad te wees vir doeleindes van die uitreiking van sertifikate, diplomas en kentekens, asook vir die gebruik op briefhoofde en enige ander plek waar die naam van die interim raad gebruik word.

Short title

16. This Act shall be called the Pharmacy Amendment Act, 1995.

Kort titel

SCHEDULE

16. Hierdie Wet heet die Wysigingswet op Aptekers, 1995.

No. and year of law	Short title	Extent of repeal	Area in respect of which law is repealed
Act No. 23 of 1974	Pharmacy Act, 1974	The whole	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Osvaia, KwaZulu, KwaNdebele and KwaNgwenyane
Act No. 30 of 1976 (Transkei)	Medical, Allied and Supplementary Provisions Act, 1976 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 36 of 1977	Health Laws Amendment Act, 1977	Sections 9, 10 and 11	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Osvaia, KwaZulu, KwaNdebele and KwaNgwenyane
Act No. 31 of 1978 (Transkei)	Medical, Allied and Supplementary Provisions Amendment Act, 1978 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 20 of 1979	Pharmacy Amendment Act, 1979	The whole	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Osvaia, KwaZulu, KwaNdebele and KwaNgwenyane
Act No. 12 of 1982 (Transkei)	Health Professions and Related Health Practices Amendment Act, 1982 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 22 of 1982 (Ciskei)	Licences Act, 1982 (Ciskei)	From 24 of Schedule I	The territory of the former Republic of Ciskei
Act No. 89 of 1982	Pharmacy Amendment Act, 1982	The whole	The territory of the former self-governing territory of KwaNgwenyane
Act No. 12 of 1983 (Transkei)	General Law Amendment Act, 1983 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 20 of 1983	Pharmacy Amendment Act, 1983	The whole	The territory of the former self-governing territory of KwaNgwenyane
Act No. 24 of 1983 (Venda)	Pharmacy Amendment Act, 1983 (Venda)	The whole	The territory of the former Republic of Venda
Act No. 36 of 1984 (Ciskei)	Health Professions and Related Health Practices Act, 1984 (Ciskei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Ciskei
Act No. 22 of 1985 (Transkei)	Health Laws Amendment Act, 1985 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei

SCHEDULE

LAWS REPEALED BY SECTION 13

No. and year of law	Short title	Extent of repeal	Area in respect of which law is repealed
Act No. 53 of 1974	Pharmacy Act, 1974	The whole	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 30 of 1976 (Transkei)	Medical, Allied and Supplementary Professions Act, 1976 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 36 of 1977	Health Laws Amendment Act, 1977	Sections 9, 10, and 11	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 31 of 1978 (Transkei)	Medical, Allied and Supplementary Professions Amendment Act, 1978 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 20 of 1979	Pharmacy Amendment Act, 1979	The whole	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 15 of 1982 (Transkei)	Health Professions and Related Health Practices Amendment Act, 1982 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 22 of 1982 (Ciskei)	Licences Act, 1982 (Ciskei)	Item 54 of Schedule 1	The territory of the former Republic of Ciskei
Act No. 39 of 1982	Pharmacy Amendment Act, 1982	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 15 of 1983 (Transkei)	General Law Amendment Act, 1983 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei
Act No. 20 of 1983	Pharmacy Amendment Act, 1983	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 24 of 1983 (Venda)	Pharmacy Amendment Act, 1983 (Venda)	The whole	The territory of the former Republic of Venda
Act No. 36 of 1984 (Ciskei)	Health Professions and Related Health Practices Act, 1984 (Ciskei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Ciskei
Act No 25 of 1985 (Transkei)	Health Laws Amendment Act, 1985 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei

BYLAE

WETTE HERROEP DEUR ARTIKEL 13

No. en jaar van wet	Kort titel	Omvang van herroeping	Gebied ten opsigte waarvan wet herroep word
Wet No. 53 van 1974	Wet op Aptekers, 1974	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 30 van 1976 (Transkei)	"Medical, Allied and Supplementary Professions Act, 1976" (Transkei)	Vir sover dit betrekking het op die aptekers-beroep	Die gebied van die voormalige Republiek van Transkei
Wet No. 36 van 1977	Wysigingswet op Gesondheidswetgewing, 1977	Artikels 9, 10 en 11	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 31 van 1978 (Transkei)	"Medical, Allied and Supplementary Professions Amendment Act, 1978" (Transkei)	Vir sover dit betrekking het op die aptekers-beroep	Die gebied van die voormalige Republiek van Transkei
Wet No. 20 van 1979	Wysigingswet op Aptekers, 1979	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 15 van 1982 (Transkei)	"Health Professions and Related Health Practices Amendment Act, 1982" (Transkei)	Vir sover dit betrekking het op die aptekers-beroep	Die gebied van die voormalige Republiek van Transkei
Wet No. 22 van 1982 (Ciskei)	"Licences Act, 1982" (Ciskei)	Item 54 van Bylae 1	Die gebied van die voormalige Republiek van Ciskei
Wet No. 39 van 1982	Wysigingswet op Aptekers, 1982	Die geheel	Die gebied van die voormalige selfregerende gebied van KaNgwane
Wet No. 15 van 1983 (Transkei)	"General Law Amendment Act, 1983" (Transkei)	Vir sover dit betrekking het op die aptekers-beroep	Die gebied van die voormalige Republiek van Transkei
Wet No. 20 van 1983	Wysigingswet op Aptekers, 1983	Die geheel	Die gebied van die voormalige selfregerende gebied van KaNgwane
Wet No. 24 van 1983 (Venda)	"Pharmacy Amendment Act, 1983" (Venda)	Die geheel	Die gebied van die voormalige Republiek van Venda
Wet No. 36 van 1984 (Ciskei)	"Health Professions and Related Health Practices Act, 1984" (Ciskei)	Vir sover dit betrekking het op die aptekers-beroep	Die gebied van die voormalige Republiek van Ciskei
Wet No. 25 van 1985 (Transkei)	"Health Laws Amendment Act, 1985" (Transkei)	Vir sover dit betrekking het op die aptekers-beroep	Die gebied van die voormalige Republiek van Transkei

PHARMACY AMENDMENT ACT, 1995

No. and year of law	Short title	Extent of repeal	Area in respect of which law is repealed
Act No. 33 of 1985 (Bophuthatswana)	Health and Related Professions Act, 1985 (Bophuthatswana)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Bophuthatswana
Act No. 14 of 1987 (Transkei)	Medical, Allied and Supplementary Professions Amendment Act, 1987 (Transkei)	In so far as it concerns the pharmaceutical profession	The territory of the former Republic of Transkei

No. en jaar van wet	Kort titel	Omvang van herroeping	Gebied ten opsigte waarvan wet herroep word
Wet No. 33 van 1985 (Bophuthatswana)	"Health and Related Professions Act, 1985" (Bophuthatswana)	Vir sover dit betrekking het op die aptekersberoep	Die gebied van die voormalige Republiek van Bophuthatswana
Wet No. 14 van 1987 (Transkei)	"Medical, Allied and Supplementary Professions Amendment Act, 1987" (Transkei)	Vir sover dit betrekking het op die aptekersberoep	Die gebied van die voormalige Republiek van Transkei

Not en jaar van wet	Kort titel	Omvang van herroeping	Gebied ten opsigte waarvan wet herroep word
Wet No. 33 van 1985 (Bophuthatswana)	"Health and Related Professions Act, 1985" (Bophuthatswana)	Vir sover dit betrekking het op die aptekers herroep	Die gebied van die voormalige Republiek van Bophuthatswana
Wet No. 14 van 1987 (Transkei)	"Medical, Allied and Supplementary Professions Amendment Act, 1987" (Transkei)	Vir sover dit betrekking het op die aptekers herroep	Die gebied van die voormalige Republiek van Transkei