

INTRODUCTION FILE

THE PHARMACY PRACTITIONERS BILL 1997

(NAME OF BILL)

CONTENTS: Bill
Objects and Reasons
Notice of Presentation
Covering letter from Minister to Clerk to Parliament
(Authorisation from Minister of Finance under s.60 of Constitution)

FROM: Attorney General's Chambers

TO: Minister *Jave*
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO: *X. Raju*
Minister of Finance
(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO: Clerk to National Parliament *Jave 23/5*
(for certificate by Speaker)

TO: Attorney General's Chambers *Jave*
(for printing)

TO: Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed..... 28.5.97... Act No. 5/97.)

TO: Attorney General's Chambers *Jave*
(for checking before Assent)

TO: Governor-General
(for Assent)

TO: Clerk to National Parliament
(for distribution: 1 copy Attorney General's Chambers)



THE PHARMACY PRATITIONERS ACT 1997

Passed by the National Parliament this twenty-eighth day of May 1997.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

Elizabeth Andresen
Deputy Clerk to National Parliament

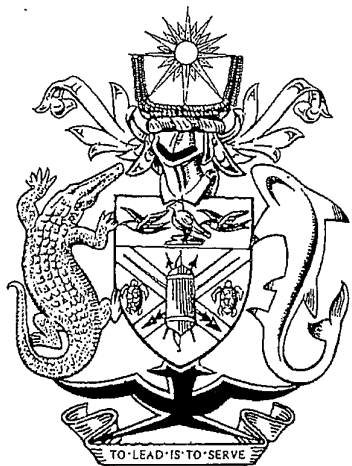
Assented to in Her Majesty's name and on Her Majesty's behalf this Tenth day of July 1997.

Moses Puibangara Pitakaka
Governor-General

Date of commencement: see section 1.

AN ACT To regulate the Practice of Pharmacy in Solomon Islands; to repeal certain provisions of the Pharmacy and Poisons Act, and to provide for matters connected therewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.



**THE PHARMACY
PRACTITIONERS ACT 1997
(NO. 5 OF 1997)**

THE PHARMACY PRACTITIONERS ACT 1997

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement.
2. Interpretation.
3. Establishment of Board.
4. Functions of Board.
5. Appointment of Registrar and officers.
6. Registration.
7. Provisional registration.
8. Corrections to the Register.
9. Censure, suspension and striking-off.
10. Offences and penalties.
11. Appeal.
12. Regulations.
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SCHEDULE.

1. This Act may be cited as the Pharmacy Practitioners Act, 1997, and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

Short title and commencement.

2. In this Act, unless the context otherwise requires -
 "Board" means the Pharmacy Practitioners' Board as established under section 3;
 "certificate" means the certificate of registration issued under section 4(b);
 "Chairman" means the Chairman of the Board referred to in paragraph 3 of the Schedule;
 "Court" means any court of competent jurisdiction;
 "medical product" means medicinal products specified under the Pharmacy and Poisons Act 1969;
 "member" means a member of the Board;
 "Minister" means the Minister for the time being charged with responsibility for Medical and Health Services;
 "pharmacist" means a pharmacy practitioner referred to in section 6 and duly registered under that section;
 "Pharmacy Assistant" means a pharmacy practitioner referred to in section 6 and duly registered under that section;
 and
 "Register" means the register of Pharmacists and Pharmacy Assistants as provided under section 5;

Interpretation.

Cap.52.

3. (1) There shall be established for the purposes of this Act a body to be called the Pharmacy Practitioners' Board (hereinafter referred to as the "Board") which shall be a body corporate to which Part VII of the Interpretation and General Provisions Act 1978 shall apply.

Establishment of Board.

(2) The provisions of the Schedule shall have effect with respect to the constitution of the Board and otherwise in relation thereto.

Act No. 20 of 1978.

4. Subject to the provisions of this Act, the Board shall have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to -

Functions of Board.

(a) register pharmacists or pharmacy assistants;

(b) issue certificates of registration to persons admitted or enrolled as pharmacists or pharmacy assistants;

(c) regulate the training for pharmacists and pharmacy assistants;

(d) appoint examiners to conduct examinations or otherwise examine persons applying for registration as pharmacists or pharmacy assistants;

(e) regulate and supervise the practice of pharmacy in Solomon Islands; and

(f) exercise disciplinary control and ensure maintenance of proper standards of professional conduct by persons registered as pharmacists or pharmacy assistants.

Appointment of Registrar and other officers.

5. (1) For the purposes of carrying out the provisions of this Act, there shall be appointed a Registrar.

(2) The Board shall cause the Registrar to keep a register of the names, professional qualifications, addresses and such other particulars as may be prescribed, of all persons who are registered pursuant to sections 7 and 8;

(3) The register shall be open to inspection by any member of the public at all reasonable times, and a copy of the register shall be published in the Gazette at such times and in such manner as may be prescribed by the Registrar.

(4) Every person whose name is entered in the Register pursuant to subsection (1), shall pay the prescribed annual fee to the Registrar.

(5) Subject to the provisions of subsections (1) and (3), for the purposes of this Act, a person is registered as a pharmacist or pharmacy assistant, as the case may be, if his name appears on the page for the current year in the Register;

(6) Every person whose name is entered on the page for the current year of the Register shall be entitled to use the title "pharmacist" or "pharmacy assistant" as the case may be, implying that he is recognised by law as a person authorised or qualified to practice pharmacy in Solomon Islands.

Registration.

6. (1) Any person applying to the Board in the prescribed form for registration as a pharmacist or pharmacy assistant, as the case may be, who -

(a) satisfies the Board that he -

(i) possesses the prescribed qualifications;

(ii) is of good character, and is not disqualified from practising in any country or state for any cause which would on its happening disqualify him from being registered under this Act;

(iii) is a fit and proper person to practise as a pharmacist or pharmacy assistant, as the case may be; and

(b) pays such registration fee as may be prescribed,

shall be entitled to be registered as a pharmacist or pharmacy assistant, as the case may be.

(2) The Registrar shall issue to every person registered as a pharmacist or pharmacy assistant, as the case may be, a certificate of registration in the prescribed form.

(3) No person below the age of eighteen years shall be qualified for registration.

7. (1) Any person applying to the Board in the prescribed form for provisional or temporary registration as a pharmacist or pharmacy assistant who -

Provisional
registration.

(a) satisfies the Board that he -

(i) possesses the prescribed qualifications;

(ii) is of good character, and is not disqualified from practising in any country or state for any cause which would on its happening disqualify him from being registered under this Act;

(iii) is a fit and proper person to be provisionally or temporarily registered as a pharmacist or pharmacy assistant, as the case may be; and

(b) pays such registration fee as may be prescribed,

shall be entitled to be provisionally or temporarily registered as a pharmacist or pharmacy assistant, as the case may be.

(2) The Registrar shall issue to every person registered pursuant to subsection (1), a certificate of provisional or temporary registration in the prescribed form.

(3) For the purposes of this Act, the holder of a provisional or temporary registration certificate shall, for all purposes, be entitled to all rights and privileges as that of a holder of a certificate of registration and be liable for any breach in the like manner.

(4) No person below the age of eighteen years shall be qualified for registration.

Corrections to the Register.

8. It shall be the duty of the Registrar -

- (a) to remove from the Register any entry which the Board directs to remove;
- (b) to correct or alter, in accordance with the direction of the Board, any entry in the Register, which the Board directs to correct or alter;
- (c) to restore to the Register on the direction of the Board, any name removed therefrom; and
- (d) to remove from the Register the name of any registered person who has died.

Censure, suspension and striking off.

9. (1) If any person registered under this Act is found upon enquiry by the Board -

- (a) to be suffering from any physical or mental illness rendering him unfit to practise;
 - (b) to have procured registration under this Act, as a result of any misleading, false or fraudulent representation;
 - (c) to have been convicted of a criminal offence;
 - (d) to be guilty of dishonesty, negligence, malpractice or incompetence in the performance of his functions as a pharmacist or pharmacy assistant, or of conduct that is unprofessional, or unbecoming of a pharmacist or pharmacy assistant, as the case may be;
 - (e) that his qualifications for registration have been withdrawn or cancelled by the university or institute by which it was awarded; or
 - (f) for any other reason which, in the opinion of the Board, renders such person unfit to practise,
- the Board may, if it thinks fit -
- (i) censure him;
 - (ii) suspend registration for a period not exceeding twelve months;
 - (iii) direct the Registrar in writing to remove his name from the Register; or
 - (iv) impose a fine as prescribed under this Act.

- (2) The Board shall as soon as practicable after -
- (a) the registration of any person has been suspended; or
 - (b) the name of any person has been removed from the Register,

cause a notice of the appropriate fact to be published in the Gazette, and in writing require such person to return to the Registrar his certificate of registration and that person shall comply with that requirement.

(3) The Board shall not take any action under subsection (1)(f) unless the Board has afforded the person an opportunity to show cause as to why any such action should not be taken.

(4) Where the Board subsequently decides to restore any name on the Register a notice to that effect shall be published in the Gazette.

10. (1) Any person who -
- (a) procures or attempts to procure registration for himself or any person by making or producing any false or fraudulent representation or declaration either verbally or in writing or otherwise;
 - (b) wilfully makes or causes to be made any falsification in any matter relating to the Register;
 - (c) forges or uses or allows to be used by any other person any certificate issued under this Act; or
 - (d) makes or has in his possession any document closely resembling such certificate as may be calculated to deceive,

Offences
and penalties.

shall be guilty of an offence and shall be liable on conviction before a magistrate to a fine of five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) Any person who, not being registered as a pharmacist or pharmacy assistant, as the case may be, under this Act -

- (a) takes or uses any name, title, addition or description implying or calculated to lead persons to believe that he is registered under this Act, or qualified to practise as a pharmacist or pharmacy assistant, as the case may be;
- (b) assumes any title indicative of any designation relating to the practice of pharmacy; or
- (c) advertises as a person authorised or qualified to practise pharmacy,

shall be guilty of an offence and shall be liable on conviction before a magistrate to a fine of five hundred dollars or to imprisonment not exceeding one year or to both such fine and imprisonment.

(3) Any person who -

(a) not being registered under this Act, practises or performs any function in relation to pharmacy;

(b) being registered under this Act, allows or permits a person not so registered to practise pharmacy on any premises used by the registered person in performance of his professional duties,

shall be guilty of an offence and shall be liable on conviction before a magistrate to a fine of five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) The provisions of subsection (3) shall not apply to -

(a) any student of pharmacy performing service as part of his course of instruction or part of any examination;

(b) any person registered or licensed under any other law, who performs or provides any service which he is authorised or entitled to perform thereunder; or

(c) any services approved by the Board to be performed by any person in the course of his training for registration.

Appeal.

11. Any person aggrieved by a decision of the Board made pursuant to sections 6, 7 or 9 may within thirty days from the date of notification of such a decision, appeal to the Magistrates Court by way of any question of fact or law, and on any such appeal the Court may make such order as it thinks proper, having regard to the merits of the case and the public welfare.

Regulations.

12. The Board may, with the approval of the Minister, make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations prescribing

(a) the manner in which registers and other records are maintained;

(b) the requirements which shall be satisfied as prerequisite for registration as a pharmacist or pharmacy assistant, as the case may be, and all other matters pertaining to such registration;

(c) the manner in which alterations may be made to the particulars already entered in the Register and the procedure to be followed to ensure that the particulars entered in the register are kept up to date;

(d) professional fees;

(e) designating approved training venues or persons seeking registration;

(f) the manner of the proceedings in any case where action is taken pursuant to section 10;

(g) specifying conditions and qualifications for registration;

(h) professional practice, conduct, etiquette and discipline;

(i) any other matter or thing which may be, or is required by this Act to be prescribed; or

(j) any matter or anything which may be necessary or required to give effect to the provisions of this Act.

13. (1) The following sections of the Pharmacy and Poisons Act, are hereby repealed -
sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32 and 35.

Repeals,
savings and
transitional
provisions.
Cap. 52.

(2) Notwithstanding the provisions of subsection (1) from and after the date of coming into operation of this Act -

(a) all persons registered under the Pharmacy and Poisons Act shall be deemed to be registered as pharmacists or pharmacy assistants as the case may be under this Act;

(b) all registers kept and certificates issued or other documents in use and valid on the date of coming into operation of this Act shall continue to be valid until revoked under this Act or until such time the Board makes other provisions in that behalf; and

(c) any application for registration as a pharmacist or pharmacy assistant as the case may be made under the Pharmacy and Poisons Act pending on the date of coming into operation of this Act shall continue to be valid and be deemed to be applications for registration duly made under this Act.

(3) Any rules made under the Pharmacy and Poisons Act (for the purposes of regulating the practice of pharmacy) shall be deemed to be rules made under this Act and shall continue to be in force and be valid until these rules are revoked or new rules are made under this Act.

SCHEDULE

(section 3)

Membership of
the Board.

1. The Board shall consist of -
 - (a) the holder for the time being of the post of Under Secretary (Health Care), Ministry of Health and Medical Services;
 - (b) Director of Pharmacy Services;
 - (c) Chief Pharmacist; and
 - (d) a registered Pharmacist representing the private pharmacy practitioners, and appointed by the Minister.

Term of
membership.

2. The member appointed under paragraph 1(d) of this Schedule shall hold office for a period of three years and shall be eligible for re-appointment.

Chairman.

3. The Under Secretary (Health Care), shall be the chairman of the Board. In the absence of the Under Secretary (Health Care), the Director of Pharmacy Services shall be the Acting Chairman.

Secretary.

4. The Secretary to the Board shall be a pharmacist or pharmacy assistant in the public service employment as appointed by the Minister.

Notice of
resignation.

5. The appointed member may resign his office at any time by giving the Board one month's written notice thereof.

Termination of
membership.

6. (1) The Minister, on the recommendation of the Board may terminate the appointment of the appointed member on the grounds that the member -

- (a) is, by reason of physical or mental disability or illness, incapable of discharging the functions required thereof;

- (b) has been absent from three consecutive meetings of the Board without reasonable excuse; and

- (c) has persistently conducted himself in a manner inconsistent with the functions of his office.

- (2) No termination of appointment pursuant to paragraph (1) shall take effect until after the expiration of one month from the date of the termination

Funds of the
Board.

7. The funds of the Board shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act, and such other monies as may be lawfully paid to the Board.

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

Board to keep proper accounts.

9. (1) The Board shall meet at such times as may be expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Board may determine.

Proceedings of the Board.

(2) The Chairman may at any time call a special meeting of the Board, giving at least seven day's notice, in writing, to each member of the Board.

(3) A quorum of the Board shall be three, including the Chairman, or in the absence thereof, the Deputy Chairman.

(4) The decisions of the Board shall be by majority of votes, by show of hands or otherwise, the Chairman or Deputy Chairman having a casting vote in the case of the votes being equal.

(5) Minutes in proper form shall be kept for each meeting.

(6) The validity of the proceedings of the Board shall not be affected by the vacancy of any members thereof.

10. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Limitation of liability.

11. There shall be paid from the funds of the Board to the Chairman and other members of the Board, such remuneration whether by way of honorariums or allowances as the Minister may determine.

Sitting fees.

12. The office of the Chairman or member of the Board shall not be a public office for the purposes of Chapter XIII of the Constitution of Solomon Islands.

Chairman's office.