

P.U.(A) 283/76
MEDICINE ADVERTISEMENTS BOARD REGULATIONS 1976
Incorporating latest amendment - P.U.(A) 331/2018

Publication in the Gazette : 9th September 1976
Date of coming into operation : 10th September 1976

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SCHEDULE

Preamble

IN exercise of the powers conferred by section 7 of the Medicines (Advertisement and Sale) Ordinance 1956 [Act 10/56], the Minister makes the following regulations:

Regulation 1. Citation and commencement.

These regulations may be cited as the **Medicine Advertisements Board Regulations 1976** and shall come into force on a date to be appointed by the Minister by notification in the *Gazette*.

Regulation 2. Establishment and constitution of Medicine Advertisements Board.

(1) There shall be established a Medicine Advertisements Board (hereinafter referred to as "the board") consisting of the following members:

- (a) the Director -General of Health, Ministry of Health who shall be an *ex officio* member;;
- (b) the Director of Pharmaceutical Services, Ministry of Health who shall be an *ex officio* member;
- (ba) the Director of Medical Services, Ministry of Health, who shall be an *ex-officio* member;

- (bb) the Secretary, Malaysian Medical Association, who shall be an *ex-officio* member;

- (bc) the Secretary, Association of Private Hospitals of Malaysia, who shall be an *ex-officio* member;

- (bd) the Secretary, Federation of Private Medical Practitioners Associations, Malaysia, who shall be an *ex-officio* member;

- (c) one physician in the public service to be appointed by the Minister;
- (d) one pharmacologist to be appointed by the Minister;
- (e) one pharmacist in the public service to be appointed by the Minister;
- (f) one officer from the Ministry of Information nominated by the Minister of Information to be appointed by the Minister.

(2) Every member, other than the *ex officio* members, shall, unless he shall sooner resign, hold office for a period of three years or such shorter period as the Minister may in any particular case determine from the date of his appointment.

(3) Any person ceasing to be a member of the Board shall be eligible for re-appointment.

(4) The Minister may appoint a person similarly qualified to be a temporary member of the Board during the incapacity through illness or during the absence from Malaysia of any member.

Regulation 3. Proceedings of Board.

(1) The Director - General of Health, Ministry of Health shall be the Chairman of the Board and shall preside at all meetings which he attends. The Director of Pharmaceutical Services shall be the alternate Chairman and shall preside at meetings in the absence of the Chairman.

(2) The Board shall meet at such places and times as the Chairman may appoint and at any meeting three members including the Chairman or member presiding shall form a quorum.

(3) The Board may invite any one or more persons to attend any meeting of the Board but a person so attending shall not have the right to vote at the meeting.

(4) There may be paid to members of the Board such allowances and other expenses as may be determined by the Board with the approval of the Minister and such allowances and expenses shall be payable out of the general revenues of the Government.

(5) The Minister shall, after consultation with the Board, appoint a pharmacist in the public services at the Secretary to the Board who shall not be a member of the Board or have any right to vote at its meetings.

Regulation 4. Board may regulate its own procedure.

(1) Subject to the provisions of these Regulations, the Board shall have power to regulate its own procedure.

(2) No action or proceeding of the Board shall be questioned on the ground -

(a) of the existence of any vacancy in the membership or any defect in the constitution of the Board;

(b) of any omission, defect or the irregularity in procedure not affecting the merits of the case.

Regulation 5. Issue approvals.

(1) The Board may issue approvals for advertisements to be publicised.

(2) Every approval shall be substantially in Form A in the Schedule and shall state the name of the person or firm to whom it is issued, and the media through which such advertisements may be publicised and the period for which such approval is valid.

(3) Every approval shall be subject to such terms and conditions as the Board may in its discretion impose.

(4) The Board may, in its discretion, issue or refuse to issue such approval or may cancel any such approval previously issued.

Regulation 6. Appeal.

Any person aggrieved by any decision of the Board may appeal to the Minister whose decision shall be final.

Regulation 7. Numbering of approvals.

(1) Every approval issued by the Board shall be numbered consecutively with an approval serial number according to the medium of advertisement and the year in which the approval is issued, commencing each year with the number one.

(2) The approval serial number shall be legibly displayed in every advertisement published in print or in the form of a hoarding, illuminated sign, or printed matter.

(3) Where an advertisement is published through the medium of a motion-picture film or a film-slide, the approval serial number shall be legibly marked, in the case of a motion-picture film, on any part of the blank celluloid at the beginning of the film strip and, in the case of a film-slide, on the material forming its frame or border.

Regulation 8. Application and fees.

(1) An application for approval of advertisements shall be made substantially in Form B in the Schedule.

(2) The Board may, before issuing an approval, require an applicant to supply any further particulars it deems necessary for the exercise of its discretion.

(3) Every application for approval of advertisement shall be accompanied by a fee of three hundred ringgit.
[Subs. P.U.(A) 331/2018]

(4) The fee which has been paid under subregulation (3) shall not be refundable.
[Ins. P.U.(A) 331/2018]

SCHEDULE

FORM A

MEDICINE ADVERTISEMENTS BOARD REGULATIONS 1976

(Regulation 5(2))

APPROVAL FORM

Approval Serial No.
Application Reference No.
Name of Applicant
Address
.....
.....
Name of article/service
Type of article/service
Media to be used
Language to be used

The form and content of the advertisement shall be as per copy attached.

This approval is valid for a period of from
..... until but the Board may its
discretion, cancel the approval before the expiry date. This approval is subject to the following conditions:
.....
.....
.....

SECRETARY,
MEDICINE ADVERTISEMENT BOARD,
MINISTRY OF HEALTH, MALAYSIA

FORM B

MEDICINE ADVERTISEMENTS BOARD REGULATIONS 1976

(Regulation 8(1))

APPLICATION FORM

To,

Secretary,
Medicine Advertisements Board,
Ministry of Health Malaysia,
Kuala Lumpur

Sir,

I apply for approval for the advertisement of -

- (i) Name of article/service
- (ii) Type of article/service
- (iii) Media to be used
- (iv) Language to be used
- (v) I submit twelve copies of the advertisement in the language to be used.
- (vi) I enclose *cheque/money order/ postal order bearing number for
RM300.00 (Ringgit: Three hundred only) as payment.

[Subs. P.U.(A) 331/2018]

2. I confirm that all the information above are true.

Signature of applicant

Name of applicant (in capital letters)

Identity card No.

Address of applicant

.....

.....

Telephone No.

* Delete where appropriate

FOR OFFICE USE

1. Approved/Not approved/Cancelled/Do not require approval and date

.....

2. Fail reference:

3. Subject to the following conditions:

SECRETARY,
MEDICINE ADVERTISEMENT BOARD,
MINISTRY OF HEALTH, MALAYSIA