

REGISTRATION OF PHARMACISTS ACT 1951 [ACT 371]

P.U. (A) 306/2004

REGISTRATION OF PHARMACISTS REGULATIONS 2004

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Preamble.

IN exercise of the powers conferred by section 22 of the Registration of Pharmacists Act 1951 [Act 371], the Board with the approval of the Minister makes the following regulations:

PART I – PRELIMINARY

Regulation 1. Citation and commencement.

- (1) These regulations may be cited as the **Registration of Pharmacists Regulations 2004**.
- (2) These Regulations comes into operation on 2 September 2004.

Regulation 2. Interpretation.

In these Regulations, unless the context otherwise requires—

"Committee of Inquiry" means the Committee of Inquiry established under regulation 14;

"therapeutic substances" means drug as defined in the Sale of Drugs Act 1952 [Act 368].

PART II - THE PHARMACY BOARD

Regulation 3. Appointment of Secretary.

- (1) The Board shall appoint a pharmacist in the public service to be the Secretary to the Board.
- (2) The Secretary shall not be a member of the Board.

Regulation 4. Meetings.

- (1) The Board shall regulate its own procedure of meetings.
- (2) No disciplinary case shall be considered at any such meeting unless copies of all available complaints and documents relevant to the complaints have been supplied to members of the Board at least seven days prior to the meeting.
- (3) Members of the Board may be paid such expenses and allowances for attendance at meetings of the Board or Committee of Inquiry.

PART III - REGISTRATION OF PHARMACIST AND BODY CORPORATE

Regulation 5. Signature.

All certificates shall be signed by the Registrar.

Regulation 6. Application for provisional registration.

- (1) Any person who is entitled to be provisionally registered and who desires to be provisionally registered, shall apply in Form 1.
- (2) The Registrar may, before registering such person, require him—

(a) to produce a certified true copy of the original degree or if such degree is not available, an official transcript of such degree or such other proof of qualification as may

be considered by the Board to be satisfactory;
(b) if the qualification referred to in his application is not one of the qualifications specified in the Schedule of the Act, to produce a document of qualification referred to under paragraph 6(1)(b) of the Act; and
(c) an evidence of identity.

(3) The certificate of provisional registration under section 6 of the Act shall be in Form 2.

Regulation 7. Certificate of satisfactory experience or exemption.

(1) The certificate of satisfactory experience issued by the Board under subsection 6A(2) of the Act shall be in Form 3.

(2) The certificate of exemption from employment issued by the Board under subsection 6A(7) of the Act shall be in Form 4.

Regulation 8. Application for full registration.

(1) Any person who is entitled to be fully registered and who desires to be fully registered, shall apply in Form 5.

(2) Every application for full registration shall be accompanied by—

- (a) a certificate of satisfactory experience issued under subsection 6A(2) of the Act;
- (b) a certificate of exemption issued under subsection 6A(7) of the Act; or
- (c) a certificate issued by the Minister under subsection 6B(3) of the Act;
- (d) two recent passport size photographs of the applicant; and
- (e) a fee of one hundred ringgit.

Regulation 9. Certificate of registration.

(1) The certificate of registration under section 6B of the Act shall be in Form 6.

(2) The photograph which shall be affixed to the certificate of registration shall be endorsed by the Registrar.

(3) Where the registration of any person is subject to any restriction and condition under subsection 6B(3) of the Act, the restriction and condition shall be attached in the certificate of registration of such person.

Regulation 10. Temporary registration certificate.

The temporary registration certificate under section 11A of the Act shall be in Form 7.

Regulation 11. Registration of body corporate and of superintendents of body corporate.

(1) A body corporate which is entitled to be registered under section 13 of the Act shall apply to the Registrar in Form 8.

(2) The certificate of registration of the body corporate shall be in Form 9.

(3) When the superintendent of a body corporate ceases to be employed by the body corporate, the body corporate shall return the certificate of registration to the Registrar, who may amend the certificate by inserting the name of the new superintendent.

Regulation 12. Annual retention of pharmacists and bodies corporate on register.

- (1) Application for retention on the register under section 16 of the Act by any fully registered pharmacist or body corporate shall be made in Form 10 or Form 11, as the case may be, and where such application is approved, the annual certificate shall be in Form 12 or Form 13 respectively.
- (2) The annual fee payable for retention on the register shall be fifty ringgit for a fully registered pharmacist and two hundred ringgit for a body corporate.
- (3) The additional fee payable under subsection 16(5) of the Act shall be one hundred ringgit for a fully registered pharmacist and three hundred ringgit for a body corporate.
- (4) Pharmacists in the public service and any pharmacist or class of pharmacists whom the Board considers fit shall be exempted from the payment of the annual fee for retention on the register.

Regulation 13. Registers of pharmacist and body corporate.

The register of provisionally registered pharmacists, fully registered pharmacists, temporary registered pharmacists or bodies corporate shall be kept in Form 14, Form 15, Form 16 or Form 17 respectively.

PART IV - DISCIPLINARY INQUIRY

Regulation 14. Complaint against a registered pharmacist and a body corporate.

- (1) Any person who seeks to make a complaint against or submit an information of a registered pharmacist or body corporate shall make the complaint or submit the information to the Secretary of the Board, who shall then refer that complaint or information to the Board.
- (2) Where the Board has received a complaint or information under subregulation (1) and it is satisfied that there may be sufficient grounds for the complaint or information, it shall appoint a Committee of Inquiry to investigate the complaint or information.

Regulation 15. Committee of Inquiry.

- (1) Every Committee of Inquiry shall comprise of five fully registered pharmacists and each of them having a valid annual certificate.
- (2) The Board may at any time revoke the appointment of any member of any Committee of Inquiry or may remove any member of any Committee of Inquiry or fill any vacancy in any Committee of Inquiry.
- (3) The Board shall nominate a member of a Committee of Inquiry to be the Chairman of the Committee of Inquiry.
- (4) The quorum of a Committee of Inquiry shall be three.
- (5) The Chairman shall preside at all meetings of the Committee of Inquiry.
- (6) The decision of a Committee of Inquiry shall be by a majority.

Regulation 16. Investigation by the Committee of Inquiry.

(1) Prior to the commencement of the investigations by the Committee of Inquiry, the Secretary of the Board shall forward a notice by registered post to the registered pharmacist or body corporate at his or its last known address, which shall—

- (a) state the complaint against or information of the registered pharmacist or body corporate;
- (b) require the registered pharmacist or body corporate to provide a written explanation regarding the complaint or information to the Committee of Inquiry the within such period as specified in the notice, but such period shall not be less than fourteen days from the date of the notice; and
- (c) request the registered pharmacist or body corporate to attend and give evidence before the Committee of Inquiry, where required to do so.

(2) The Committee of Inquiry shall, after the period as specified in paragraph (1)(b), commence the investigation of the complaint or information and shall give the registered pharmacist or body corporate reasonable opportunity to be heard, and due consideration shall be given to any explanation that may be given by the registered pharmacist or body corporate.

(3) The Committee of Inquiry shall upon completion of its investigation of the complaint or information, submit a report together with its recommendation to the Board for its consideration.

Regulation 17. Summary dismissal of complaint or information.

The Committee of Inquiry to which such complaint or information has been forwarded, may recommend to the Board to summarily dismiss any complaint or information if the Committee of Inquiry is satisfied—

- (a) that the name and address of the complainant or informant is unknown or untraceable;
- (b) that even if the facts were true, the facts do not constitute a matter provided under subsection 13(7) or 17(1) of the Act; or
- (c) for reasons which must be recorded, that there is reason to doubt the truth of the complaint or information.

Regulation 18. Inquiry by the Board.

(1) Upon receipt of a report from the Committee of Inquiry and on it's recommendation, the Board shall, where it is satisfied that there are grounds for the complaint or information against the registered pharmacist or body corporate—

- (a) cause a charge containing the facts of the complaint or information alleged to have been committed by the registered pharmacist or body corporate to be forwarded by registered post to him or it at his or its last known address;
- (b) request the registered pharmacist or body corporate to attend the inquiry to be convened by the Board in pursuant of subsection 13(7) or 17(1) of the Act; and
- (c) inform the registered pharmacist or body corporate that an opportunity to be heard may be given to him or it, where—

- (i) in the case of the body corporate, it may be heard by a representative appointed in writing or by counsel;
- (ii) in the case of any director, officer or other person in the employment of the body corporate, he may be heard either personally or by counsel; or
- (iii) in the case of a registered pharmacist, he may be heard either personally or by counsel.

(2) Where the registered pharmacist or body corporate, without reasonable excuse, fails to attend

the inquiry convened by the Board, the Board may proceed to hear the case notwithstanding the absence of registered pharmacist or body corporate, if the Board is satisfied that provisions of subregulation (1) have been complied with.

(3) The Board may regulate its own procedure in such a manner as it deems fit.

Regulation 19. Appointment and payment of legal adviser.

(1) The Board or Committee of Inquiry may appoint a legal adviser to assist the Board or Committee of Inquiry during any inquiry.

(2) The Board or Committee of Inquiry may appoint any person who is and has been advocate and solicitor for a period of not less than five years to advise it on—

(a) all questions of law ensuing in the course of the inquiry; and

(b) the meaning and construction of all documents produced during the inquiry.

(3) The legal adviser is entitled to be paid such fees as are from time to time fixed by the Board.

Regulation 20. Members who are disqualified from any meeting of the Board inquiring into any disciplinary matter.

No member of the Board or Committee of Inquiry shall attend or participate in any meeting of the Board or Committee of Inquiry inquiring into any disciplinary matter if—

(a) he is the complainant; or

(b) he is personally acquainted with any relevant fact.

Regulation 21. Repeal.

The Registration of Pharmacists Regulations 1953 [*L.N. 260/1953*] is repealed.