

(20 August 1993 – to date)

## PHARMACY ACT 53 OF 1974

*Government Notice 1871 in Government Gazette 4442, dated 16 October 1974.*

*Commencement date: 21 February 1975. [Proc. R52, Gazette No. 4594, dated 21 February 1975].*

### **RULES RELATING TO ACTS OR OMISSIONS IN RESPECT OF WHICH THE COUNCIL MAY TAKE DISCIPLINARY STEPS**

*Government Notice R599 in Government Gazette 11792, dated 31 March 1989.*

*Commencement date: 31 March 1989.*

**as amended by:**

*Government Notice R1549 in Government Gazette 13382, dated 5 July 1991.*

*Commencement date: 5 July 1991.*

*Government Notice R339 in Government Gazette 13747, dated 31 January 1992.*

*Commencement date: 31 January 1992.*

*Government Notice R1547 in Government Gazette 15067, dated 20 August 1993.*

*Commencement date: 20 August 1993.*

The Minister of National Health and Population Development has, in terms of section 41(2) of the Pharmacy Act, 1974 (Act 53 of 1974), approved the substitution of the rules set out in the Schedule hereto, made by the South African Pharmacy Council under section 41(1) of the Act, for the rules published under Government Notice R. 297 of 24 February 1984 (as amended by Government Notices R. 2525 of 16 November 1984, R. 620 of 22 March 1985 and R. 716 of 18 April 1986), which are hereby repealed.

## **SCHEDULE**

The South African Pharmacy Council holds the view that a person registered with the Council should at all times endeavour to act in the interests of promoting public health. A pharmacist should maintain and enhance the honour and dignity of pharmacy and refrain from any activity which may discredit his profession.

The undermentioned acts or omissions shall be deemed to be unethical or unprofessional conduct, subject to disciplinary steps by the Council under Chapter V of the Pharmacy Act, 1974: Provided that the said acts or omissions cannot be and are not intended to be a complete list of offences which may be punishable under the Council's disciplinary powers, since the Council is empowered by Chapter V of the Pharmacy Act, 1974, to inquire into and deal with any complaint, charge or allegation which may be brought before it:

## **DISPENSING PRACTICES**

1. Failure to furnish advice or information for the safe and effective use of medicines supplied by him.
2. Substituting or omitting a medicine or ingredient of a medicine in a prescription without first obtaining the approval of the prescriber, unless the patient requests the omission of a medicine in a prescription: Provided that such omission shall be indicated indelibly on the prescription and the copy of the prescription: Provided further that the patient be advised of the implications of the omission of a medicine in a prescription as requested by him.
3. Failure, by a person dispensing a prescription, to indicate on the prescription that it was dispensed by him.
4. Failure to exercise proper and/or reasonable care in respect of and control over-
  - (a) the acquisition, storage, manufacture, dispensing, sale, supply or disposal of medicines, or of raw materials for the manufacture of medicines, for human or veterinary use;
  - (b) chemical and hazardous substances;
  - (c) access of the public to scheduled substances;
  - (d) the hygiene, cleanliness and neatness of a pharmacy;
  - (e) the appearance of a pharmacy, which failure may result in the dignity of the profession being harmed or potentially harmed.

## **ADVERTISING AND TOUTING**

5.
  - (1) The advertising of medicines or of his professional services in a manner-
    - (a) that is not factually correct;
    - (b) that is misleading;
    - (c) that harms the dignity or honour of the profession.
  - (2) The advertising of medicines in a manner-
    - (a) that disparages and other product, medicine or substance;

(b) .....

*(Rule 5(2)(b) deleted by rule 2 of GNR 1547 of 1993)*

(c) that is aimed at, or may be interpreted or regarded as having as its aim, the promotion of the misuse or abuse or the detrimental or injudicious or unsafe use of medicines.

(3) The advertising of his professional services in a manner-

(a) that disparages another pharmacist;

(b) that is calculated to suggest that his professional skill or ability or his facilities for practising his profession or rendering his professional services are superior to those of other pharmacists.

*(Rule 5 amended by rule 2 of GNR 1549 of 1991)*

*(Rule 5 substituted by rule 2 of GNR 339 of 1992)*

6. Touting or attempting to tout for prescriptions or business with regard to the sale of medicines by acting in a manner referred to in rule 5.

*(Rule 6 substituted by rule 3 of GNR 1549 of 1991)*

*(Rule 6 substituted by rule 3 of GNR 339 of 1992)*

#### **RELATIONSHIP WITH COLLEAGUES AND OTHER HEALTH SERVICE PROFESSIONS**

7. Failure, in the interests of the patient, to co-operate with colleagues or members of other health service professions.

8. Criticism given in an unprofessional manner regarding the ability or professional competence of colleagues or members of other health service professions.

9. Disclosure of confidential information obtained in the course of his professional activities - except with the express consent of the patient or, in the case of a minor, with the consent of the parent or guardian, or where such information must be furnished to a person authorised by law to request it - unless such disclosure is in the interests of the patient.

#### **GENERAL**

10. Conducting his practice or himself in such a manner that the dignity or the honour of the profession is harmed.

11. ....

*(Rule 11 withdrawn by rule 4 of GNR 1549 of 1991)*

12. Collusion with any person not registered with the Council to perform acts specially pertaining to the profession of a pharmacist.
13. Without first having obtained the approval of the Council-
  - (a) allowing a person who is not registered with the Council to conduct a separate practice or business in a retail pharmacy; and/or
  - (b) establishing a retail pharmacy in another practice or business; and/or
  - (c) conducting a retail pharmacy with or on behalf of a person who is not entitled to practice as a pharmacist; and/or
  - (d) allowing a person not entitled by law to practice as a pharmacist to use his name and qualifications.

Each application for approval in terms of this rule shall be considered on merit without reference to precedent, and each such approval may be granted on the terms and conditions the Council may determine, which approval may be withdrawn at the discretion of the Council without stating reasons.

14. Employment, in any capacity, in a pharmacy which he owns or manages or which is in his charge or which belongs to the body corporate or close corporation of which he is the managing director or manager, of a person whose name has been removed from the register of pharmacists or who has been suspended from practising his profession.
15. Practising as a pharmacist in premises-
  - (a) with direct access to such premises from the rooms of a medical practitioner, dentist or veterinarian;
  - (b) that permit of direct dispensing of medicines to patients in the rooms of a medical practitioner, dentist or veterinarian.
16. Failing, as the supervising pharmacist responsible for the practical training of a pharmacist intern or a pharmacist's assistant, to carry out his duties, or failing to attend in good time to the administrative duties attached to the registration of the pharmacist intern or the pharmacist's assistant.
17. Any act or omission which prevents or hinders or is calculated to prevent or hinder the Council or the Registrar from carrying out its or his statutory duties.

18. Failing to observe the provisions of any act, rule or regulation applying to pharmacists, or allowing a person under his supervision and control to contravene such provisions, or inciting, instigating, ordering or encouraging any person to contravene such provisions.
19. In any manner whatsoever bringing the Council or a member of the Council in his capacity as a member into disrepute.
20. Adopting and using a trading title for a retail pharmacy without the prior written approval of the Council.
21. Use by a retail pharmacy as its trading title or as a part of such title of the name of any other company, firm or business or any words indicating or suggesting that the pharmacy is associated with, belongs to or is in any way connected with such other company, firm or business, unless such other company, firm or business is registered with the Council as the owner or part owner of the pharmacy: Provided that the foregoing shall not prohibit the use by any pharmacy of any name, title or description under which such pharmacy carried on business immediately prior to 23 May 1975.
22. The performance by a pharmacist of professional acts for which he is inadequately trained or insufficiently experienced.  
*(Rule 22 inserted by rule 5 of GNR 1549 of 1991)*
23. The sale or promotion of the sale of medicines in any manner that has as its aim or may be interpreted or regarded as having as its aim, the promotion of the misuse or abuse or the detrimental or injudicious or unsafe use of medicines.  
*(Rule 23 inserted by rule 4 of GNR 339 of 1992)*