



ACT No. 9 of 2003

THE PHARMACY PRACTITIONERS ACT 2003

I assent,

Bharrat Jagdeo,
President,
29th September, 2003.

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PRICE: \$1950.00 To be purchased from the office of the President, Georgetown.

PRINTED BY GNPL.

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AN ACT to make provision for the incorporation of a pharmacy Council, the regulation of the practice of pharmacy and for matters connected therewith.

A.D. 2003

Enacted by the Parliament of Guyana:-

**PART I
PRELIMINARY**

Short title.

1. This Act may be cited as the Pharmacy Practitioners Act 2003.

Interpretation.

2.(1) In this Act -

- (a) "Council" means the Pharmacy Council incorporated under section 3;
- (b) "Form" means a form in the Schedule;
- (c) "Minister" means the Minister responsible for health;
- (d) "pharmacist" means a person who is duly qualified and registered as a pharmacist;
- (e) "practising pharmacist" means a person who is duly qualified and registered as a practising pharmacist;
- (f) "Register" means any register required to be kept by the Registrar under this Act;
- (g) "regulations" means regulations made under this Act;

(2) The practice of pharmacy includes the custody, compounding

(2) The practice of pharmacy includes the compounding and dispensing of pharmaceuticals, health care aids and devices, the provision of non-prescription drugs and of information related to the use of pharmaceuticals, in response to prescriptions given by a duly registered medical practitioner, dental practitioner, medex or veterinarian.

PART II
ESTABLISHMENT AND FUNCTIONS OF PHARMACY COUNCIL

**Establishment
of the Pharmacy
Council.**

3. (1) There is hereby established a Council named the Pharmacy Council which shall be a body corporate.

First Schedule.

(2) The provisions of the First Schedule shall have effect as to the composition and proceedings of the Council and otherwise in relation thereto.

**Functions
of the
Council.**

4. The functions of the Council are to -

- (a) regulate the practice of pharmacy in accordance with this Act;
- (b) establish, maintain, and develop standards for the practice of pharmacy;
- (c) establish, maintain, and develop standards of professional ethics among members of the pharmacy profession;
- (d) publish, distribute or disseminate in any manner as the Council thinks fit, literature and information relevant to the pharmacy profession;
- (e) conduct mandatory continuing educational sessions for practising pharmacists;
- (f) establish, maintain and develop an internship

- (f) register pharmacists, practicing pharmacists, pharmacy assistants, and pharmacy interns;
- (g) perform such other duties as may be necessary in the discharge of its functions.

Committees. 5. The Council may establish such committees as may be necessary for the efficient discharge of its functions under this Act and determine the composition, functions, quorum and procedure of such committees.

Fees. 6. The Council may, subject to the regulations, charge all fees that may be charged under this Act including fees for conducting examinations, issuing certificates, making entries in Registers and for any other services rendered by it and all such fees shall form part of the funds of the Council.

Forms.
Second
Schedule. 7. The Forms in the Second Schedule, shall be utilized for the purposes indicated.

PART III PHARMACISTS AND PRACTISING PHARMACISTS

Registers of
Pharmacists
and practising
pharmacists.

Second
Schedule.
Form 1

8. (1) The Registrar shall keep and maintain a Register in Form 1 in the Second Schedule to be known as the Register of Pharmacists, in which the Registrar shall cause to be entered the name and other particulars required by the Council of every person registered as a pharmacist under this Act.

(2) A person who was registered as a pharmacist under Part III of the Pharmacy and Poisons Ordinance 1956, immediately prior to

the coming into force of this Act is hereby deemed to be registered as a pharmacist under this Act without application on the part of the person, and pending the actual entry of his name in the register he shall be deemed to be duly registered.

Form 3

(3) The Registrar shall keep and maintain a Register in Form 3 in the Second Schedule to be known as the Register of Practising Pharmacists in which shall be entered the name, date of registration, and other particulars required by the Council of every registered pharmacist licensed to practise pharmacy under this Act.

Inspection,
alteration of
registers of
pharmacists
and
practising
pharmacists.

9. (1) The Registers of pharmacists and practising pharmacists shall at all reasonable times be open to inspection by the public at the office of the Council.

(2) The Registrar shall make such alterations to the Registers as circumstances require and shall remove from the Registers the name of any pharmacist or practising pharmacist who is deceased or is no longer entitled to practise pharmacy, or whose whereabouts are not known, or who has been continuously absent from Guyana for more than five consecutive years, on the instructions of the Council:

Provided that the Council may restore the name of a person to the Register if that person fulfils the requirements for registration.

(3) Any pharmacist or practising pharmacist who changes his business or residential address shall immediately notify the Registrar of his new address.

(4) Any pharmacist or practising pharmacist changing his place

of employment shall inform the Council within two weeks of such change.

(5) When a pharmacist's or practising pharmacist's name has been removed from or restored to the appropriate Register, the Registrar shall cause such removal or restoration to be published in the Gazette.

Registration of
pharmacists or
practising
pharmacists.

10.(1) Any person, who applies to the Council to be registered as a pharmacist or as a practising pharmacist shall, satisfy the Council that he -

- (a) is a Caricom national or the spouse of a Caricom national or a permanent resident of Guyana;
- (b) is of good character as supported by testimonial.
- (c) holds a diploma or degree obtained by examination after attending a pharmacy school approved by the Council;
- (d) is qualified to practise independently in the country where he obtained a diploma or degree;
- (e) has attained eighteen years of age.

Second
Schedule.
Form 2

(2) A person shall upon submission of the sworn declaration in Form 2 in the Second Schedule and upon payment of the prescribed fee, be entitled with the approval of the Council to be registered as a pharmacist or as a practising pharmacist.

(3) The Council may require any person who applies for registration as a pharmacist or as a practising pharmacist under this Act and who does not fulfill the requirement of subsection (1)(c) or (d) to submit to such examination as the Council thinks necessary.

(4) The Council may institute for pharmacists and practising

pharmacists a system of continuing education as a further requirement for registration.

(5) The Registrar shall issue to every person whose name is duly entered in the Register of Pharmacists a certificate of registration in Form 4 in the Second Schedule.

Form 4

(6) The Registrar shall issue to every person whose name is duly entered in the Register of Practising Pharmacists a certificate of registration in Form 4 in the Second Schedule.

Form 4

Registration of higher or additional qualifications.

11. A Pharmacist who obtains qualifications or training relevant to the profession higher than or additional to that in respect of which he was registered shall be entitled with the approval of the Council to have such higher or additional qualifications or training entered by the Registrar next to his name in the Register.

Annual registration of practising pharmacists.

12. (1) A practising pharmacist who desires to practise Pharmacy in Guyana in any year shall, in the month of January of that year, cause his name to be registered in the Annual Register of Practising Pharmacists/Temporary Pharmacists in Form 5 in the Second Schedule and obtain a licence in Form 6 in the said Schedule of such registration, from the Registrar for the prescribed annual fee.

Second Schedule.

Form 5
Form 6

(2) If the fee is not paid by the 30th day of November in any year the Council shall cause the Registrar to inform the practicing pharmacist by registered post that in one month from the said date, his name will be removed from the Register of Practising Pharmacists.

(3) A person whose name is removed from the Register of

Practising Pharmacists because of failure to pay the annual fee, may be reinstated on payment of the fee.

(4) A person who practises as a Pharmacist without a licence commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and a further fine of five hundred dollars for each day he so practises after conviction.

Publication of names of practising pharmacists, temporary practising pharmacists.

13. (1) The Registrar shall keep and publish in the Gazette and in a local daily newspaper the Annual Register in Form 5 and enter therein the names of all persons entitled to practise pharmacy in each year or entitled to do so on a temporary basis under section 14.

Form 5

(2) A copy of the Gazette or a local daily newspaper containing any of the names of persons referred to in subsection (1) shall be prima facie evidence in any court of the registration, and qualifications, of such persons.

14. The Council may, notwithstanding anything to the contrary in Part III, grant a licence in Form 6 in the Second Schedule for temporary registration as a practicing pharmacist not exceeding twelve months to any person who pays the prescribed fee to the Registrar and satisfies the Council –

Temporary registration of certain persons.

Second Schedule.
Form 6

- (a) that he is of good character as supported by testimonial;
- (b) that he is entitled to practise as a Pharmacist in a country other than Guyana without supervision;
- (c) that he possesses adequate knowledge and skill

for the efficient practice of pharmacy;

- (d) that he is employed, or has been selected for employment in an institution approved by the Minister.

**PART V
PHARMACY ASSISTANTS**

15. (1) The Registrar shall maintain a Register in Form 7 in the Register of pharmacy assistants. Second Schedule. Form 7 which shall be entered the names and other particulars as may be required by the Council of every person registered as a pharmacy assistant.

(2) A person registered under this Part as a pharmacy assistant may perform pharmacy services in Guyana as a pharmacy assistant and shall obtain a certificate of registration in Form 4 in the Second Schedule on payment of the prescribed fee.

16. (1) Any person, who applies to the council to be registered as a pharmacy assistant shall satisfy the Council that he -

- Persons entitled to be registered as pharmacy assistants. Second Schedule.
- (a) is a CARICOM national or the spouse of a CARICOM national or a permanent resident of Guyana;
 - (b) is of good character as supported by testimonial;
 - (c) is able to communicate satisfactorily in English;
 - (d) is a fit and proper person to perform the services of a pharmacy assistant;

(2) For the purposes of subsection (1) a person is qualified to be registered as a pharmacy assistant, who has completed a course of training approved by the Council and has passed the approved examination.

Services a
pharmacy
assistant may
perform.

17. A pharmacy assistant may perform such pharmacy services, as may be prescribed provided such services are undertaken in an institution approved by the Minister and under the direct supervision of a pharmacist.

PART VI PHARMACY INTERNS

Registration
of pharmacy
students.

Second
Schedule.

Form 8

18. (1) The Registrar shall maintain a register in Form 9 in the Second Schedule to be known as the Register of Pharmacy Interns in which shall be entered the names and such other particulars as may be required by the Council of all persons who have successfully completed the academic pharmacy training programme at the University of Guyana or other approved programmes at approved institutions.

“(2) Interns shall be required to successfully complete an internship programme of such duration, being not less than six months, as may be prescribed, which programme shall be supervised by an institution approved by the Council to conduct an internship programme.”.

Form 4

(3) Every person whose name is entered in the register in Form 8 or Form 9 shall obtain a certificate of registration in Form 4 in the Second Schedule.

**PART VII
OFFENCES**

Offences.

19. (1) A person who –

(a) willfully procures or attempts to procure registration under this Act for himself or for any other person by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally, in writing, or otherwise;

(b) aids or assists any person therein,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

(2) Any person who molests, or hinders any pharmacist during the exercise of any function under this Act or any other written law commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years.

(3) A person, other than a pharmacist or a practicing pharmacist shall not use the title "Apothecary", "Chemist and Druggist", "Dispenser", "Dispensing Chemist", "Dispensing Druggist", "Druggist", "Pharmacist", or "Pharmaceutical Chemist", a variation, or abbreviation, or an equivalent in another language.

(4) No person, other than a practicing pharmacist

shall hold himself out as a person qualified to practise pharmacy in Guyana.

(5) Any person who is convicted of any offence under this Act or the Regulations for which no specific penalty is provided, is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for two weeks.

(6) Where the Registrar commits a breach of this Act or the Regulations he shall, on summary conviction, be liable to a fine of thirty thousand dollars and to imprisonment for thirty months.

PART VIII DISCIPLINE

20. A pharmacist or a practicing pharmacist who commits professional misconduct including the dispensing of prescribed pharmaceutical without the prescription or a registered medical practitioner shall be subject to disciplinary proceedings.

21. (1) The Council may of its own motion or upon the complaint of a person aggrieved, cause an investigation to be made of the conduct of a pharmacist or a practicing pharmacist.

(2) A person aggrieved by the conduct of a pharmacist or practicing pharmacist who desires to complain of such conduct shall furnish to the Council his complaint in writing.

(3) The Council shall notify the pharmacist or practicing pharmacist of the nature of complaint or matter and call upon him to state in writing before a specified day (which day shall allow a reasonable interval for the purpose), any explanation or make representation he may wish to make in respect of the complaint.

(4) Having regard to any explanation or representation made by the pharmacist or practicing pharmacist, the Council may -

(a) determine that no enquiry shall be held; or

- (b) conduct such enquiry into the matter as the Council may consider appropriate.

Enquiry.

22 (1)

In the conduct of a formal enquiry, the Council shall serve on the pharmacist or practising pharmacist against whom formal enquiry is to be instituted, a notice which shall -

- (a) specify in the form of a charge, the matter into which the enquiry is to be held; and
- (b) state the date, time and place at which the enquiry is proposed to be held.

(2) Except with the consent of the pharmacist or practising pharmacist an enquiry shall not be fixed for a date earlier than twenty-eight days after the date of notice of enquiry.

(3) In any case where there is a complaint, a copy of the complaint shall be sent to the pharmacist or practicing pharmacist at the address given in the Register by prepaid register post with the notice of enquiry.

(4) The pharmacist or practising pharmacist shall be entitled to receive free copies or to be allowed access to any documentary evidence relied on for the purpose of the enquiry.

(5) The pharmacist or practising pharmacist shall have the right to be represented by an attorney at law in any formal enquiry instituted against him.

(6) Where witnesses are examined by the Council, the pharmacist or practising pharmacist shall be given an opportunity of attending and of putting questions to the witnesses.

(7) The pharmacist or practising pharmacist shall be permitted to give evidence, call witnesses and make submission orally or in writing

on his own behalf.

(8) If at the conclusion of the hearing the Council is of the opinion that the pharmacist or practising pharmacist is not guilty of misconduct in a professional respect, he shall be immediately notified of its findings, but if the pharmacist or practising

pharmacist is found guilty of any such charge, the Council shall proceed under Section 23.

Disciplinary proceedings.

23. (1) If in any proceedings referred to in sections 21 and 22 the pharmacist or practicing pharmacist is found to be guilty of misconduct in a professional respect the Council may after informing the Minister –

- (a) censure him;
- (b) suspend his registration for any period not exceeding one year;
- (c) direct the Registrar to remove his name from the register.

(2) Where the name of any person is removed from the Register, the Council may in writing require such person to return to the Registrar his certificate of registration and such person shall comply with this requirement; failure to do so shall constitute an offence under this Act.

(3) Where any pharmacist or practising pharmacist has been suspended by the Council for any period, it shall be an offence for him to engage in the practise of pharmacy during the period of suspension.

Power of the Council to remove names from Register.

24. (1) The Council may remove from the Register the name of

a pharmacist or practising pharmacist -

- (a) who is found guilty of professional misconduct as provided in section 23(1);
- (b) whose name has been ordered to be so removed by the High Court;
- (c) who has had his qualification for registration withdrawn or cancelled by the university, college or other body by which it was awarded;
- (d) who has requested the Council in writing so to do.

(2) A suspension of the registration of a pharmacist or practising pharmacist pursuant to this Act shall, while the suspension continues in force, have the same effect as a removal of the name of the suspended person from the Register.

Appeals against refusal to register, or to removal of name, etc.

25. Any person who is aggrieved by the refusal of the Council to grant him registration (including temporary registration), by the removal of his name from the Register, or by the decision of the Council to censure him or suspend his registration may, within three months after the date on which notice is given to him by the Council appeal the Council's decision to a judge of the High Court who shall give such directions in the matter as he may think proper, including a direction as to the costs of the appeal.

Removal from and restoration to, registers of names generally.

26. (1) Where the Council directs the removal from any register of the name of any person, or of any other entry, the name of that person or entry shall be published in the Gazette and in a local daily newspaper.

(2) If the Council thinks fit in any case, it may direct the Registrar to restore to any of the registers any name or entry

previously removed therefrom, either without fee or on payment of the stipulated fee and the Registrar shall restore the name accordingly.

(3) Copies of the Registers for the time being published in the Gazette in accordance with the provisions of this Act shall be prima facie evidence in any court that the persons and the qualifications therein specified are registered.

(4) The provisions of this Part shall, in so far as they are applicable, apply mutatis mutandis to the other persons registered under this Act.

PART IX REGULATIONS

Regulations.

27. (1) The Minister may after consultation with the Council, make regulations for anything to be prescribed under this Act or which are otherwise necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may relate to -

- (a) the procedure for the conduct of an election of members to the Council, of those members referred to in paragraph 1(f) of the First Schedule;
- (b) any matter ancillary to the provisions of this Act with regard to issuing, suspending and reinstating any registration;
- (c) the maintenance and inspection of Registers;
- (d) governing standards of practice for the pharmacy profession;

- (e) conditions governing advertising by practising pharmacists;
- (f) the payment for registration of annual fees by pharmacists, practising pharmacists, pharmacy assistants, students and interns, fees for examinations and continuing education, including penalties for late payment and fees for anything the Registrar is required or authorized to do;
- (j) the Forms and their use.

**PART X
REPEAL**

Repeal.

28. Sections 6 to 19 (inclusive) of Part III of the Pharmacy and Poisons Ordinance 1956 are hereby repealed.

FIRST SCHEDULE s. 3
COMPOSITION AND PROCEEDINGS OF THE COUNCIL

1. The Council shall consist of the following persons -
 - (a) a Chairperson and a Vice-Chairperson who shall be elected by the Council from among its members;
 - (b) the Chief Pharmacist of the Ministry responsible for Health who shall be an ex-officio member;
 - (c) a nominee of the Guyana Medical Council;
 - (d) a nominee of the Consumers Association;
 - (e) a practising attorney-at-law with no less than three years experience nominated by the Guyana Bar Association;
 - (f) six practising pharmacists, each with at least three years post registration experience of whom not less than two shall be in private practice, appointed by the Minister after being elected in accordance with the regulations made for the purpose from among the practising pharmacists resident in Guyana;

2. **Three practicing pharmacists shall be appointed for a term of three years and three shall be appointed for a term of two years and the vacancies occasioned on the expiry of the terms of members appointed for three years shall be filled by the appointment of members for one year only;**

thereafter, elections shall be held every two years to elect members whose terms have expired, and who notwithstanding the expiry of their terms shall be eligible for re-election.

3. **Elections for membership of the Council shall be held on such dates and places as the Council may from time to time determine.**

4. **Five members shall constitute a quorum of the Council at least three**

of whom shall be practising pharmacists.

5. The powers of the Council, where there is a quorum, shall not be affected by any vacancy in its membership or by any defect with respect to the appointment of any of its members.
6. The Council shall meet at such time as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Council may determine.
7. The Council may delegate any of its functions to the Chairperson, or to one of its Committees.
8. Minutes in proper form of every meeting of the Council shall be kept by the Secretary and shall be confirmed at a subsequent meeting by the Chairperson or other member duly presiding over the meeting.
9. Subject to this Act and the regulations, the Council may regulate its own procedure.
10.
 - (1) The Council may, with the approval of the Minister, appoint a pharmacist from the Ministry responsible for Health as Registrar who shall also serve as Secretary to the Council.
 - (2) The Council may appoint officers and employees for carrying out its functions and with the approval of the Minister, determine their remuneration and other terms and conditions of appointment.
11. The Chairman and in his absence, the Vice-Chairman shall chair all meetings of the Council.
12. If a member of the Council dies or resigns or otherwise vacates his

office, the vacancy for the unexpired portion of the term shall be filled in the same manner in which the vacant office was originally filled.

13. (a) Where the interest of a member of the Council is likely to be directly or indirectly affected by a decision of the Council the member shall disclose the nature of the interest at the first meeting of the Council after the relevant facts have come to his knowledge.
 - (b) Where there is a disclosure under paragraph (1), the Secretary shall record in the minutes of the Council a full account of the disclosure and the member of the Council making the disclosure shall, unless the Council otherwise directs, not attend or take part in the deliberations or vote at any meeting at the time when the Council is deciding the matter in which the member has disclosed an interest.
14. The remuneration and allowances, if any, of the members of the Council shall be such as may be determined by the Minister.

SECOND SCHEDULE

FORMS

S. 8

FORM 1

REGISTER OF PHARMACISTS

Name	Business and Residential Address	Date of Registration	Qualification	Registration Number

FORM 2

s.10

**SWORN DECLARATION TO ACCOMPANY APPLICATION FOR REGISTRATION
AS A PHARMACIST**

I, A. B., residing at

do hereby declare that I am a graduate of

.....
(here state college, faculty, Council or Society) and was duly authorized by
that (college, faculty, Council or Society) on the day of to
practise Pharmacy.

(Signature)
A.B.

Sworn before me this day of , 200

(Signature)
C.D.

**Commissioner of Oaths
To Affidavits**

FORM 3

S. 8

REGISTER OF PRACTISING PHARMACISTS

Name	Business and Residential Address	Date of Registration	Qualification	Registration Number

FORM 4

ss.10, 15, 19

**CERTIFICATE OF REGISTRATION OF PHARMACIST/PRACTISING PHARMACIST/
PHARMACY ASSISTANT/PHARMACY INTERN**

It is hereby certified that _____ residing at _____
has been duly registered
as a pharmacist/practicing pharmacist pharmacy assistant/pharmacy intern in Guyana
under the provisions of the Pharmacy Practitioners Act 2003.

Dated this _____ day of, _____ 20 .

Registrar
Pharmacy Council of Guyana

Chairman
Pharmacy Council of Guyana.

FORM 5
ANNUAL REGISTER OF PRACTISING
PHARMACISTS/TEMPORARY PRACTISING PHARMACISTS

ss. 12, 13, 14

Name	Business and Residential Address	Date of Registration	Qualification	Registration Number

FORM 6 **ss.12, 14**
LICENCE OF ANNUAL REGISTRATION AS PRACTISING
PHARMACIST/ TEMPORARY PRACTISING PHARMACIST

Registration No.

Pharmacy Council of Guyana
(stamp)

Name and address:

Qualification:

It is hereby certified that the above-named person has been duly registered as entitled to practise pharmacy in Guyana/to practise Pharmacy in Guyana on a temporary short term basis during the yearunder provisions of the Pharmacy Practitioners Act 2003 for a period of twelve months from to

Dated this day of 20

.....
Registrar
Pharmacy Council of Guyana.

.....
Chairman
Pharmacy Council of Guyana.

FORM 7

s.15

REGISTER OF PHARMACY ASSISTANTS

Name	Business and Residential Address	Date of Registration	Qualification	Registration Number

FORM 8

s. 18

REGISTER OF PHARMACY INTERNS

Name	School and Residential Address	Date of Registration	Qualification

Passed by the National Assembly on 10th July, 2003.

S. E. Isaacs,
Clerk of the National Assembly

(BILL No. 5/2003)