

Pharmacy and Drugs Act 1971 (Ch 280)

CHAPTER 280

THE PHARMACY AND DRUGS ACT.

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CHAPTER 280

THE PHARMACY AND DRUGS ACT.

Commencement: 15 June, 1971.

**An Act to amend and to consolidate the law relating to the control of
the profession of pharmacy and trade in and use of drugs and poisons,
and other purposes connected therewith.**

PART I—THE PHARMACY BOARD.

1. Establishment of a pharmacy board.

(1) There shall be a pharmacy board consisting of—

the chief medical officer, who shall be the chairperson;

the chief pharmacist;

an advocate of at least five years' standing being a public officer appointed by the Minister;

two medical practitioners appointed by the Minister;

a veterinary surgeon appointed by the Minister; and

four pharmacists appointed by the Minister.

The term of office of the appointed members of the board shall be three years, but they shall be eligible for reappointment.

An appointed member may resign his or her office by writing under his or her hand addressed to the Minister or may be removed from office by the Minister for inability to perform the functions of his or her office.

2. Meetings of the board.

The board shall meet at such times and places as it deems necessary or expedient for the transaction of its business.

The chairperson shall preside at all meetings of the board and, in his or her absence, such member of the board as the members present shall appoint, shall preside.

(3) The quorum of the board shall be four, of whom two shall be pharmacists.

The chairperson at any meeting of the board shall, in addition to his or her deliberative vote as a member of the board, have a casting vote.

The registrar shall cause details of all business transacted at meetings of the board to be entered regularly in a minute book kept for the purpose; and the minutes of the proceedings of each meeting shall be submitted for confirmation at a subsequent meeting of the board and, if passed as correct, shall be confirmed by the signature of the chairperson and, when so confirmed, shall be prima facie evidence in all courts as an accurate record of the proceedings so recorded.

3. The registrar.

The chief pharmacist shall be the registrar, and shall act as secretary to the board and perform such other duties as may be required of him or her by law or by order of the board.

4. Inquiries.

The chairperson of the board may, by summons under his or her hand, require any person to appear before the board or the disciplinary committee at an inquiry held in connection with any of the functions of the board or the disciplinary committee.

A summons under this section may require the person to whom the summons is directed to produce to the board or the disciplinary committee any documents or other articles under his or her control which relate to a matter in question at the inquiry.

A person appearing in answer to a summons under this section—

may be examined as a witness on oath or otherwise;

may examine witnesses and address the board or the disciplinary committee, as the case may be, either himself or herself or by an advocate representing him or her.

(4) Nothing in this section shall require a person, other than the person whose conduct is being inquired into, to give any evidence or produce any article which would tend to incriminate him or her.

PART II —REGULATION OF THE PHARMACY PROFESSION. *Pharmaceutical Society of Uganda.*

5. Establishment of the society.

There shall be established a society to be known as the Pharmaceutical Society of Uganda.

6. Incorporation of the society.

The society shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

The society may hold, acquire and dispose of any property, movable or immovable.

The common seal of the society shall be kept in such custody as the council may determine, and shall not be affixed to any document or instrument except by order of the council, and in the presence of two members of the council who shall sign any such document or instrument independently of the signature of any person who may have signed the document or instrument as a witness.

7. Membership of the society.

(1) Subject to this section and section 8, a person who—

passes the qualifying examinations for membership of the society approved by the council, and completes practical training of such description and for such period as may be prescribed by byelaws made by the council;

holds a degree, diploma or other qualification awarded by a university or institution, approved by byelaws made by the council, denoting a standard which, in the opinion of the board, is not lower than that required under paragraph (a) of this subsection and completes practical training of such description and for such period as may be prescribed by byelaws made by the council; or

is a member of any society or institute of pharmacists by whatever name called and approved by byelaws made by the council as being, in the opinion of the council, an association of equivalent status to the society, shall be eligible for membership of the society.

Notwithstanding the approval of any society or institute mentioned in subsection (1)(c), the council may declare that any specified class or description of members of any such society or institute shall not be eligible for membership of the society.

Byelaws made by the council prescribing practical training for the purposes of this section may contain such special provision as the council may deem expedient declaring that a person—

who had commenced, prior to the commencement of this Act, and completed or completes, whether prior to or after that date, training of such description and duration as may be specified in the byelaws; or

who has served in a post and who completes training of such description and duration as may be specified in the byelaws, shall be deemed to have completed the training prescribed for the purposes of subsection (1)(a).

(4) Byelaws made by the council by which any society or institute is approved for the purposes of subsection (1)(c) may provide, as a condition of that approval, that a member of any such society or institute shall not be eligible for membership of the society unless he or she has undergone such practical training or has acquired such practical experience in the subject of pharmacy, as may be described in the byelaws.

8. General disqualifications.

No person shall be enrolled as a member or be a member of the society—

unless he or she— (i) has attained the age of twenty-one years; and (ii) has paid the prescribed fees;

if he or she— (i) has been adjudged by a court to be of unsound mind; or (ii) has been convicted by a court whether in Uganda or

elsewhere of any offence involving fraud or dishonesty; or

(c) if, having been adjudged an insolvent or bankrupt, he or she has not been granted by a court a certificate to the effect that his or her insolvency or bankruptcy has arisen wholly or partly from

unavoidable losses or misfortunes.

9. Fees for membership.

Subject to section 8, a person who is eligible for membership of the society shall be enrolled as a member upon payment to the council of an entrance fee and an annual subscription fee prescribed by the council.

Fees shall be paid to the secretary of the council.

All annual subscription fees payable under this section shall be due and payable on the first day of July in each year or, in the case of members admitted after that date, on the date of admission.

10. Style of members.

Every member of the society shall be entitled to take and use the title "Member of the Pharmaceutical Society" and shall have the right to use the expression "M.P.S." after his or her name to indicate that he or she is such a member.

No person, not being a member of the society, shall take or use the title of "Member of the Pharmaceutical Society".

11. Restrictions on use of pharmacist, pharmacy, etc.

No person who is not a pharmacist shall describe himself or herself as, or otherwise hold himself or herself out to be, a pharmacist, or assume, take, exhibit or, in any way, make use of any title, emblem or description calculated to suggest that he or she is a pharmacist.

No person shall cause or permit any premises to be open to the public for the sale of drugs under the description "pharmacy", "dispensary", "chemist" or "drug store", or any similar description, unless a pharmacist is on the premises and is supervising the activities carried on.

For the purposes of this section, the use of any of the words "pharmacist", "druggist", "chemist", "medical" or any similar word or combination of words in any language shall be deemed to suggest that the owner of the business and the person having control of the business on the premises are registered pharmacists.

12. Meetings of the society.

Meetings of members of the society shall be held in accordance with the provisions of the First Schedule to this Act.

Registration, discipline, etc.

13. Registration of pharmacists.

The registrar shall make and keep a register of pharmacists in the prescribed form.

If, on application made in the prescribed manner by an individual, the board is satisfied that the applicant is of good character and that he or she is a member of the society, it shall direct the registrar to enter the applicant's name in the register; and the registrar, on payment of the prescribed fee, shall

enter the name in the register and shall issue to the applicant a certificate of registration in the prescribed form.

A person whose name has previously been entered in the register shall not be entitled to make an application under subsection (2) if his or her certificate of registration—

was cancelled under section 16, unless a period of not less than one year has elapsed since notice of the cancellation was published in the Gazette; or

is suspended.

(4) Where, for any reason, a pharmacist ceases to be a member of the society, his or her name shall be deleted from the register.

14. Publication of a list of pharmacists.

The registrar shall cause a list of all pharmacists whose names appear in the register on the thirty-first day of December in each year to be published in the Gazette during the following January.

The registrar shall cause the names of all persons who are entered in or deleted from the register after January in each year to be published in the Gazette.

15. Disciplinary committee.

For the purpose of disciplinary matters relating to the professional conduct of pharmacists, there shall be a committee of the board to be known as the disciplinary committee consisting of—

the legal member of the board, who shall be the chairperson; and

two pharmacists appointed by the society from among members of the council.

16. Disciplinary proceedings.

(1) Where a complaint is made to the registrar, or he or she has otherwise reason to believe, that any of the following events have occurred in relation to a pharmacist—

that he or she has been convicted of an offence under this Act or any other Act; or

that he or she has been guilty of professional misconduct specified in the Second Schedule to this Act, the registrar shall take such steps as are practicable to verify the occurrence; and if, after consulting the chairperson of the disciplinary committee, he or she is of the opinion that there is cause for an inquiry by the disciplinary committee, he or she shall serve a written notice to that effect on the pharmacist and invite him or her to furnish, in writing within six weeks, such explanation as he or she may desire to make.

Where the registrar serves a written notice on a pharmacist pursuant to subsection (1), he or she shall lay a copy of the notice, together with any explanation furnished by the pharmacist and all other relevant documents, before the disciplinary committee.

Where, after considering the explanation, if any, furnished by the pharmacist in accordance with subsection (1), the disciplinary committee is of the opinion that there is cause for an inquiry, it shall order an inquiry to be held; and the chairperson of the board shall, by summons under section 4, require the pharmacist, the complainant, if any, and any other person likely to give assistance to appear before the disciplinary committee.

Where the disciplinary committee, after an inquiry under this section, is satisfied that a complaint made against the pharmacist has been proved, it may do any one or more of the following—

(a) reprimand the pharmacist;

order the pharmacist to pay to the board a fine not exceeding two hundred shillings;

order the cancellation or suspension for a specified period of the pharmacist's certificate of registration, and may in any case order any party to the proceedings at the inquiry to pay the whole or a part of the costs of any other party.

Where a notice under subsection (1) is served on a pharmacist, the board may order that the pharmacist's certificate of registration be suspended until the conclusion of the proceedings against him or her.

Where a complaint made under subsection (1) relates to a body corporate or to a partnership, the notice under that subsection may be served upon every person who was, at the time of the occurrence of the events out of which the complaint arose, a director, secretary or manager of the body corporate or, as the case may be, a partner in the firm.

17. Cancellation and suspension of registration.

(1) Where the board orders a pharmacist's certificate of registration to be cancelled or suspended, the registrar—

shall serve on the pharmacist a written notice informing him or her of the order and requiring him or her to deliver up the certificate within twenty-one days of the date of service of the notice;

shall cause the notice of the cancellation or suspension to be published in the Gazette; and

shall, in the case of cancellation, delete the name of the pharmacist from the register; and on such deletion, the pharmacist shall cease to be a member of the society, but, if the case is one in which an appeal may be lodged, the registrar shall not take any action under this subsection until the time limited for giving notice of appeal has expired or, if an appeal is lodged, until it has been finally disposed of.

(2) When the period of suspension of a pharmacist's certificate of registration comes to an end, the registrar—

shall return the certificate to the pharmacist; and

shall cause notice of the ending of the suspension to be published in the Gazette.

18. Appeals to the High Court.

Any pharmacist affected by and aggrieved by an order of the disciplinary committee made under section 16 may appeal, within one month after the date of the order, against that order to the High Court.

Every appeal under subsection (1)—

shall be made by petition in writing bearing a stamp of twenty-one shillings;

shall be heard and decided by a judge of the High Court after such summary inquiry as that judge may deem requisite to make.

Council of the society.

19. Constitution of the council.

The governing body of the society shall be a council which shall consist of twelve members all of whom shall be members of the society, that is to say, the secretary and the treasurer of the society as ex officio members and ten other members.

Out of the ten appointed members, four members of the council shall be appointed by the Minister and six members, of whom not less than four shall be pharmacists in active practice, shall be elected by the members of the society at the annual general meeting.

The council shall elect from among its members, a president and a vice president.

20. Term of office.

Every member of the council shall, unless he or she earlier vacates his or her office, hold office for four years from the date of his or her appointment or election.

A member of the council—

may resign his or her office by writing under his or her hand addressed to the Minister or, as the case may be, to the president of the society;

shall vacate his or her office if he or she ceases to be a member of the society.

(3) In the event of the death of, or vacation of office by, a member of the council—

where the member was appointed by the Minister, the Minister shall appoint another person; or

where the member was elected, the council shall co-opt another person till the holding of the next annual general meeting, to hold office for the remainder of the term of the member in whose place he or she is appointed or elected.

(4) Any member of the council who vacates office by effluxion of time shall be eligible for reappointment or reelection as a member.

21. Functions of the council.

The council shall be charged with the general responsibility for securing the highest practicable standards in the practice of pharmacy and with the administration and management of the society and shall be responsible for carrying out the functions conferred upon it by this Act.

It shall be the duty of the council—

to provide for the conduct of the qualifying examinations for membership of the society or for registration as a pharmacist under this Act and to prescribe or approve courses of study for such examinations;

to maintain and publish a register of pharmacists;

to supervise and regulate the engagement, training and transfer of pharmacy students and to make provision for the registration of students;

to specify the class of persons who shall have the right to train pharmacy students and specify the circumstances in which any person of that class may be deprived of that right;

to maintain a library of books and periodicals relating to pharmacy and allied subjects and to encourage the publication of such books; and

to encourage research in the subject of pharmacy and chemistry and generally to secure the well-being and advancement of the profession of pharmacy.

(3) For the purpose of discharging its functions under this section the council may—

make byelaws regulating the activities of the society; and

enact a code of conduct which shall, on approval by the society at a general meeting of the society, be binding upon the members of the society.

(4) The council may operate a scheme for the purpose of aiding distressed pharmacy students, members or former members of the society, their widows or orphans.

22. Meetings of the council.

The council shall meet at least once in every three months, at such time and place as the president or vice president may determine.

A meeting of the council may at any time be called by the president or vice president, or at the request in writing addressed to the secretary, of five members of the council.

Subject to this section, notice in writing of a meeting of the council shall be delivered or sent to each member of the council at least seven clear days before the meeting and shall be deemed to have been duly delivered or sent unless the contrary is shown; accordingly, the nonreceipt of any notice by any

member shall, subject to the provisions of this section, not affect the validity of the proceedings of any meeting.

The notice shall contain, as far as is practicable, a statement of the business to be transacted at the meeting.

Whenever the president or vice president certifies in writing that an emergency exists, the notice calling for the emergency meeting may be delivered only one clear day before the meeting; and, in any such case, the nonexistence in fact of the supposed emergency shall not affect the validity of the proceedings of the meeting.

The president or, in his or her absence, the vice president, shall preside at all meetings of the council and, in the absence of both the president and the vice president, the members present at the meeting shall elect one of their number to preside.

At any meeting of the council, five members shall form a quorum.

Proper minutes shall be recorded of all resolutions and proceedings of the meetings of the council and of any committees of the council; and every minute signed by the person presiding at the meeting to which it relates, or at a subsequent meeting, shall be sufficient evidence of the facts stated in it.

Subject to this Act, the person presiding at any meeting of the council may, with the consent of the meeting, adjourn the meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

No notice need be given of any adjourned meeting unless it is so directed in the resolution for the adjournment.

23. Officers of the council.

The council may appoint such officers and employees as it may deem necessary.

24. Financial provisions.

The council shall establish and maintain a fund under its management and control into which shall be paid all monies received by the council by way of grants-in-aid from the Government or otherwise and out of which there shall be met all expenses and liabilities incurred by the council in carrying out its functions under this Act.

25. Investment of funds.

The council may invest monies in the fund in any securities of the Government or in any other securities approved by the Minister.

26. Borrowing powers.

The council may, from time to time, borrow money for the purposes of the society and may pay interest on it out of the funds of the society.

27. Audit.

(1) The annual accounts of the council shall be audited by a practising member of the Institute of Registered Accountants appointed for that purpose at the annual general meeting.

An auditor appointed under subsection (1) shall have the powers and perform the same duties as are conferred upon an auditor appointed under section 160 of the Companies Act.

The accounts for the preceding year as audited together with the auditor's report on the accounts shall be laid before the members of the society at the general meeting.

Drugs generally.

28. Duty to supply drugs.

If a pharmacist carrying on or employed in a pharmacy business is requested during normal business hours to dispense a valid prescription, or to supply any drug to a registered medical practitioner, a veterinary surgeon or dentist for use in immediate treatment, he or she shall comply with the request unless there are reasonable grounds for his or her failing to do so.

29. Medical aid by pharmacists.

(1) Notwithstanding anything in section 1 of the Medical and Dental Practitioners Act, or section 13 of the Veterinary Surgeons Act, a pharmacist may give medical, veterinary or dental advice or aid—

by way of first-aid in cases of accident; or

by way of first treatment in the case of simple ailments of common occurrence where it is not reasonably practicable for the patient to consult a medical practitioner, dentist or veterinary surgeon, as the case may be.

(2) Where advice or aid is given by a pharmacist in accordance with this section, nothing in section 1 of the Medical and Dental Practitioners Act, or section 13 of the Veterinary Surgeons Act shall prevent the recovery by the pharmacist of a charge for medicine supplied by him or her.

SCHEDULES

First Schedule.

s. 12.

Meetings of the society.

1. Annual meeting.

(1) The annual meeting of the society for the transaction of the ordinary business of the society, namely—

the election of the treasurer and secretary of the society;

the appointment of auditors; and

the reception and consideration of the annual report of the council and accounts of the society with the auditors' report on the accounts, shall be held on such date during the month of September and in such place in Uganda as the council may from time to time appoint; except that a meeting shall be held in each calendar year and not more than fifteen months shall elapse since the date of the previous meeting.

(2) The council shall after every four years elect at its annual general meeting the members of the council.

2. Special meeting.

The council may, whenever it thinks fit, convene a special meeting of the society and shall do so within twenty-one days from the receipt by the secretary of a requisition in writing signed by not less than ten members and stating the object of the proposed meeting.

3. Notice of motion not related to business of annual meeting to be given.

A member wishing to bring before the annual meeting any motion not related to the ordinary annual business of the society may do so, if—

notice in writing of the proposed motion is sent or given to the secretary and received by him or her not later than four weeks before the date of the annual meeting; and

the proposed motion relates to matters affecting the society or the profession of pharmacy.

4. Notice of meetings to be given to members.

The secretary shall, not less than fourteen days nor more than twenty-one days before any annual meeting or special meeting of the society, send to each member a notice giving the day, hour and place of the meeting and the business to be transacted at the meeting.

In the case of an annual meeting, the secretary shall send to each member, together with the notice, a copy of the annual report of the council, a copy of the accounts of the society with the auditors' report on the accounts, a list of persons nominated or deemed to be nominated for membership of the council or as auditors, and particularly of all motions to be brought before the meeting under paragraph 3 of this Schedule.

The nonreceipt by any member of the notice or of any of the documents mentioned in this section shall not invalidate the proceedings of the meeting to which they relate.

5. Chairperson of meetings.

At all meetings of the society the president or, in his or her absence, the vice president shall preside.

In the absence of both the president and vice president, a member of the society shall be elected from among the members of the council present to be chairperson.

6. Quorum.

Unless ten members are present at the annual meeting within thirty minutes after the time appointed for the meeting, the meeting shall stand adjourned for a fortnight to be held at the same hour and place or, if the place shall not then be available, at such other place as the council may determine.

On the date to which the meeting was adjourned, the meeting shall proceed to business notwithstanding that there may be less than ten members present.

At a special meeting, unless fifteen members are present within thirty minutes of the time appointed for the meeting, the meeting shall be dissolved.

7. Adjournment.

Subject to this Schedule, the chairperson of any meeting of the society may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

No notice need be given of an adjourned meeting unless it is so directed in the resolution for adjournment.

8. Voting.

Every resolution and amendment proposed and seconded at a meeting of the society shall be put to the meeting by the chairperson and decided by a show of hands; and in the event of an equality of votes, the person presiding shall have a casting vote.

Subject to paragraph 9, the declaration of the person presiding as to the decision of the meeting shall be final.

9. Procedure where poll is demanded.

On such a declaration being made, a poll of all members may be demanded in writing by at least ten members present and entitled to vote at the meeting; but a poll shall not be taken on any resolution or amendment relating to the election of a chairperson, the appointment of scrutineers or the adjournment of a meeting.

On a poll being demanded at a meeting of the society, the chairperson shall immediately, or as soon as is reasonably practicable after the conclusion of the meeting at which the poll is demanded, state the resolution or amendment in the form of propositions which in his or her opinion will be most suitable to ascertain the sense of the members upon the substance of the resolution or amendment;

and, upon the manner of so stating the resolution or amendment, the chairperson's decision shall be final.

Voting papers setting out the propositions so stated, together with any necessary notes and directions shall, within fourteen days after the meeting, be issued by the council to all members entitled to vote at the meeting at which the poll was demanded.

All members wishing to vote on the propositions or any of them shall do so by sending the voting papers to the society addressed to the scrutineers so as to be received by them not later than twenty-one days after the papers were distributed.

10. Appointment of scrutineers.

At every meeting of the society at which a poll is demanded, the meeting shall appoint five of their number as scrutineers, any three of whom shall be competent to act.

11. Meeting of scrutineers.

Where a poll has been demanded, the scrutineers shall meet not less than twenty-one days nor more than twenty-nine days after the voting papers have been dispatched to members.

Envelopes containing the voting papers may be opened only by the scrutineers at the meeting referred to in subparagraph (1).

The scrutineers shall reject the vote of any member who, at the date of the meeting, was in arrears with any subscription or other sum payable by him or her under the Act or regulations made under the Act and may in their discretion reject any vote in which a member has failed to observe the notes and directions relating to that vote or any other vote which in their view ought properly to be rejected.

The scrutineers shall, as soon as practicable, report the result of the voting to the chairperson of the meeting and shall include in the report a statement of the number of votes rejected by them and the reasons for the rejection.

The chairperson shall send a copy of the report to each member as soon as practicable; and where there is an equality of votes, the chairperson shall have a casting vote, and, in such a case, shall declare, when so sending the report to members, the manner in which his or her casting vote is given and the result of the voting.

The report of the scrutineers as to the result of the voting, or where given such declaration of the chairperson, shall be conclusive.

The voting shall take effect from the date of the report of the scrutineers, except that where a meeting was adjourned to receive the report of the scrutineers, the voting shall take effect from the date when the report was presented to the adjourned meeting.

Where for any reason a chairperson is unable to exercise any powers granted to him or her by this Schedule, the power shall be exercised by any member of the council who was present at the meeting and who is deputed by the council to exercise such powers.

12. Demand for poll not to prevent other business.

The demand for a poll at a meeting shall not prevent the transaction of any business other than that on which the poll has been demanded.

13. Minutes of meetings.

Proper minutes shall be recorded of all resolutions and proceedings of meetings of the society, and every minute signed by the chairperson of the meeting to which it relates or by the chairperson of a subsequent meeting shall be sufficient evidence of the facts stated in it.

Second Schedule.

s. 16.

Professional misconduct.

Any act or omission, contrary to the following, shall be regarded as professional misconduct.

A reasonable comprehensive pharmaceutical service shall be provided by every pharmacy.

The conditions in a pharmacy shall be such as will preclude avoidable risk of error or contamination in the preparation, dispensing and supply of medicines.

The appearance of a pharmacy shall reflect the professional character of the pharmacy.

The dispensing of medicines shall not be advertised whether directly or indirectly.

Names of substances and preparations in the authorised pharmacopoeia or names closely resembling them shall not be applied to substances of a different composition.

Labels, trademarks and other signs and symbols of contemporaries or their products shall not be imitated or copied.

No misleading or exaggerated claims shall be made for any medicinal product.

No advertising or display material shall be used in a pharmacy which the council considers undignified in style or content.

No substitution of articles or ingredients in a prescription may be made, except in cases of obvious error, without the prior authority of the prescriber.

A drug or medicine likely to cause addiction or other form of abuse shall not be supplied when there is reason to suppose that it is required for such purpose.

Drugs shall not be supplied to any person when there is reason to suppose that such drugs are destined for illicit channels or will be misused.

A pharmacist shall not disclose any information which he or she has acquired during his or her professional activities unless required by law to do so.

Articles or preparations which in the opinion of the council should be supplied only on the prescription of a medical practitioner, dentist, veterinary surgeon or veterinary practitioner may not be supplied otherwise after due notice has been given.

The society's emblem or devices resembling it shall not be used for business purposes.

History: Act 39/1970; S.I. 72/1971; Statute 13/1993, s. 67.

Cross References

Companies Act, Cap. 110.

Medical and Dental Practitioners Act, Cap. 272.

Veterinary Surgeons Act, Cap. 277.
