

CHAPTER 311

THE PHARMACY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 311

THE PHARMACY ACT

An Act to establish the Pharmacy Council and to provide for the functions, management and control of the pharmacy profession and for related matters.

[1st July, 2003]

[G.N. No. 158 of 2003]

Act No. 7 of 2002

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh311s1]1. Short title

This Act may be cited as the Pharmacy Act.

[PCh311s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Certificate" means a certificate issued to a Pharmacist, Pharmaceutical Technician, Pharmaceutical Assistant or any other certificate issued under this Act;

"certificate of enlisting" means the certificate issued to a Pharmaceutical Assistant under section 29 of this Act upon being enlisted by the Council;

"certificate of enrolment" means the certificate issued to a Pharmaceutical Technician under section 24 of this Act upon being enrolled by the Council;

"certificate of registration" means the certificate issued to a Pharmacist under section 18 upon being registered by the Council;

"Committee" means any committee established under section 7 of this Act;

"Council" means the Pharmacy Council established by section 3 of this Act;

"List" means a List maintained under section 27 of this Act;

"member" means a person appointed to be a member of the Pharmacy Council and includes the Chairman and Vice-Chairman;

"Minister" means the Minister for the time being responsible for matters relating to health and medical services;

"Pharmaceutical Assistant" means a person enlisted under section 28 of this Act;

"Pharmaceutical Technician" means a person enrolled under section 23 of this Act;

"Pharmacist" means a person registered under section 14 of this Act;

"Register" means a register maintained under section 14 of this Act;

"Registrar" means the registrar of the Council appointed under section 11 of this Act;

"Roll" means a roll maintained under section 22 of this Act.

PART II

ESTABLISHMENT OF THE COUNCIL (ss 3-12)

[PCh311s3]3. Establishment of the Pharmacy Council

- (1) There is hereby established a Council to be known as the Pharmacy Council.
- (2) The Council shall be body corporate and shall—
 - (a) have perpetual succession and an official seal;

(b) in its corporate name be capable of holding, purchasing or otherwise acquiring in any other way any movable property or immovable property and disposing of any of its property; and

(c) have power to borrow such sums as it may require for its purpose.

(3) The Schedule to this Act shall have effect as to appointment of members to the Council, constitution, procedure and other matters relating to the Council.

(4) The Minister may on advice of the Council by order published in the Gazette, amend, vary or replace all or any of the provisions of the Schedule to this Act.

[PCh311s4]4. Functions and powers of the Council

The Council shall be the sole authority for registering, enrolling and listing of all Pharmacists, Pharmaceutical Technicians and Pharmaceutical Assistants respectively, and shall in addition perform the following functions—

(a) regulate and set the standards of conduct and activities of Pharmacists, Pharmaceutical Technicians and Pharmaceutical Assistants;

(b) regulate the standards and practice of the profession of Pharmacy;

(c) promote interest in, and the advancement of, the profession of pharmacy;

(d) evaluate academic and practical qualifications of Pharmacists, Pharmaceutical Technicians and Pharmaceutical Assistants for the purposes of registration, enrolment, or listing under this Act;

(e) foster co-operation between the Council and other institutions or organizations, whether or not concerned with the profession of pharmacy;

- (f) monitor and ensure the proper collection of fees payable under this Act;
- (g) keep and maintain registers, rolls and lists for the registration, enrolment and listing of Pharmacists, Pharmaceutical Technicians and Pharmaceutical Assistants respectively;
- (h) remove any name from the Register, Roll, List or, subject to such conditions as the Council may impose, restore it thereto;
- (i) approve of institutions and curriculum for the training of Pharmacists, Pharmaceutical Technicians and Pharmaceutical Assistants;
- (j) consider any matter affecting the profession of pharmacy and take such action in connection therewith as the Council considers necessary;
- (k) carry out such other functions as may be conferred upon the Council by any written law or as are incidental to the performance of its functions under this Act.

[PCh311s5]5. The Pharmacy Committee and its composition

(1) There shall be established a Committee to be known as the Pharmacy Committee whose function shall be to prescribe and evaluate qualifications for registration, enrolment and enlisting under this Act and making recommendations to the Council.

(2) The Pharmacy Committee shall consist of a Chairman to be appointed from amongst the members of the Council and four other members to be appointed by the Council.

[PCh311s6]6. Disciplinary Committee and its composition

(1) There shall be a Disciplinary Committee whose function shall be to conduct preliminary investigation into any case where it is alleged that a registered, enrolled or enlisted person has misbehaved in his capacity as a Pharmacist, Pharmaceutical Technician, or Pharmaceutical Assistant, or should for any reason be the subject of proceedings before the Council.

(2) The Disciplinary Committee shall consist of a Chairman nominated from amongst members of the Council and four other members one of whom shall be a legally qualified person from the Attorney-General's Chambers.

[PCh311s7]7. Establishment of committees

(1) The Council may establish any number of other committees to carry out any special or general functions determined by the Council and may delegate to any such committee such function as the Council may deem fit and necessary.

(2) Each committee may co-opt as member of such committee any person who is not a member of the Council and any of such member so co-opted may or may not be an officer in the public services.

[PCh311s8]8. Meetings of committees

(1) A Chairman of a committee shall, convene a meeting of the committee of which he is the Chairman according to Schedule.

(2) The Council may, at any time direct a Chairman of any committee to convene a meeting of his committee and such Chairman shall, as soon as practicable, comply with such directions.

(3) Each committee shall keep minutes of its meeting, inform the Council of its activities and, conduct its proceedings in such manner as the Council may direct.

(4) Any member of a committee shall be entitled, in respect of expenses incurred by him in travelling and subsistence allowance while discharging his duties as a member of that committee, be paid out of the funds of the Council, as the Council may determine.

[PCh311s9]9. Funds and resources of the Council

(1) The funds and resources of the Council shall consist of—

(a) such sums as may be appropriated by Parliament for the purpose of the Council;

(b) all fees payable under this Act;

(c) such donations, grants, bequeaths, and loans as the Council may from time to time receive from any person or organization;

(d) proceeds derived from sale of Council's property; and

(e) any other source of income identified by the Council and legally obtained.

(2) The funds and resources of the Council shall be applied for the purposes for which the Council is established and in accordance with the directions of Council.

(3) The Council shall keep proper accounts and other records relating to the funds and resources.

(4) The Council shall—

(a) establish one or more separate accounts in a bank into which all monies received by the Council shall be paid in and out;

(b) prepare annual estimates of income and expenditure and adhere to any such estimates;

(c) ensure that the operations of the Council are exercised in an economical and efficient manner;

(d) manage the resources of the Council in a prudent manner;

(e) prepare and publish an annual report which shall include—

(i) an account of the operations of the Council during the year covered by the report;

(ii) a set of audited accounts;

(iii) such other matters as may be prescribed;

(f) appoint such full-time and part-time staff as seems to the Council to be appropriate and necessary to ensure that the matters referred to in this section are implemented;

(g) take all such other action which shall advance the objects and purposes of the Council.

(5) Where the Minister is of the opinion that the Council is not carrying out its functions in a proper and reputable manner, he shall give it such directives in writing to ensure that it is carrying out its functions as specified.

(6) The accounts of the Council shall be audited on an annual basis by the Controller and Auditor-General or by a firm of auditors certified by the Controller and Auditor-General to be a firm capable of undertaking such work.

[PCh311s10]10. Remuneration of the members of the Council

(1) Members of the Council and the Secretariat shall be paid from the funds of the Council such allowances as the Council may determine with the approval of the Minister.

(2) In determining the allowance, the Council shall make provision for reimbursement of any expenses incurred by the member in connection with the business of the Council.

[PCh311s11]11. Appointment of the Registrar and his responsibilities

(1) The Minister shall appoint a Pharmacist in the public service to be the Registrar of the Council who shall also be the Secretary to the Council.

(2) Subject to any directions of the Council, the Registrar shall be responsible to the Council for the administration and management of its affairs.

(3) There shall be a Deputy Registrar appointed by the Minister, who shall assist the Registrar in his day to day activities and, on such other functions as may be prescribed by the Council.

(4) Subject to subsection (3) in absence of the Deputy Registrar any other officer of the Council shall carry out the functions of the Registrar in his behalf as the Chairman of the Council may in writing designate.

[PCh311s12]12. The Secretariat

(1) There shall be a Secretariat of the Council which shall consist of the Registrar, Deputy Registrar, any other officers and staff of the Council.

(2) The officers and staff of the Council shall be the Government employees for the performance of the functions of the Council.

(3) The officer and staff of the Council shall be paid remuneration or allowances on such terms as the Council may determine.

PART III

REGISTRATION, ENROLMENT AND LISTING OF PHARMACEUTICAL PERSONNEL (ss 13-33)

[PCh311s13]13. Examination and qualifications

(1) The Council shall arrange examination for registration, enrolment or enlistment of candidates as Pharmacists, Pharmaceutical Technicians or Pharmaceutical Assistants.

(2) If an applicant is registered, enrolled or enlisted under this Act he shall, upon payment of the prescribed fees, be entitled to practise as a Pharmacist, Pharmaceutical Technician or Pharmaceutical Assistant respectively.

[PCh311s14]14. Registers of Pharmacists

(1) The Registrar shall keep registers of Pharmacists in the prescribed forms.

(2) As soon as practicable after the Council has accepted any person for registration, the Registrar shall enter in the respective register in respect of that person the following particulars—

- (a) his name and address;
- (b) the date of registration;
- (c) his qualifications and status of his registration; and
- (d) such other particulars as the Council may direct.

(3) All changes in the particulars registered under subsection (2) shall be entered in the register by the Registrar.

(4) The Registrar may rectify, save for any substantive error, any clerical or typographical error in the registers or other document containing extract from the registers.

[PCh311s15]15. Registration

(1) Subject to any regulations made under section 38 of this Act, providing for the suspension, revocation or cancellation of any registration granted under this Act, a person shall be entitled, upon making an application to the Council in the prescribed manner, be registered under this section and offer his services if he satisfies the Council that:

(a) he is a Pharmacist who is a holder of a pharmaceutical degree or any other qualification recognized by the Council as being equivalent to a pharmaceutical degree offered in Tanzania;

(b) he has complied with such additional requirements relating to the acquisition of practical experience as a Pharmacist;

(c) his professional and general conduct render him fit and proper person to be registered.

(2) An applicant aggrieved by the decision of the Council under this section may appeal to the Minister within one month after notice is given to him of the decision.

(3) For the purposes of this section, the Council shall publish in the Gazette particulars of the qualifications for the time being accepted by the Council.

[PCh311s16]16. Provisional registration

(1) Subject to any regulations made under section 38 providing for the suspension or cancellation of any licence issued or registration granted under this Act, any person who is not entitled to be registered by reason only of the fact that he has not complied with the additional requirements referred to in section 15(1) (b) shall, if upon application in the prescribed manner, he satisfies the Council that he has secured an offer for employment or training in an institution or facility approved by the Council for the purposes of complying with the additional requirements, be entitled to be registered under this section.

(2) Persons provisionally registered shall be deemed to be registered as far as is necessary to enable them to be employed for the purpose stated in subsection (I) of this section in such institution or facility approved by the Council as shall be specified in the certificate of provisional registration.

(3) The Registrar shall maintain a separate register in which he shall enter the particulars of those persons provisionally registered.

[PCh311s17]17. Temporary registration

(1) Where a person satisfies the Council that—

(a) he is not ordinarily resident in Tanzania;

(b) he is or intends to be employed in Tanzania in the capacity for which he is applying for the express purpose of carrying out specific assignment in research or teaching and;

(c) he is or immediately before entering Tanzania was in practice as a Pharmacist and that he is eligible for registration under section 15 of this Act;

(d) his professional and general conduct renders him fit and proper person to be registered,

the Council may direct that he be registered under this section for the duration of the specific assignment or for the period which the Council may specify, in either case the period shall not exceed twelve months.

(2) The Council shall require any person applying for registration under this section to appear before the Pharmacy Committee and to produce documents relating to his assignment or employment.

(3) Registration of a person under this section shall continue only while he is engaged on the specific assignment or for the period specified by the Council and on his ceasing to be so engaged or on expiry of the period, his registration shall cease to have effect.

(4) In case of doubt as to the cessation of engagement of a person mentioned under subsection (3) on the specific assignment or as to the expiry of the period specified by the Council, the decision of the Council shall be final.

(5) A person registered under this section shall, in relation to the duration of the specific assignment or the period specified by the Council, and in relation to things done in the course of that assignment, be treated as registered under section 15 of this Act but in relation to other things shall be treated as not so registered.

[PCh311s18]18. Certificate of registration

Upon the registration of a Pharmacist and on payment of the prescribed fee, the Registrar shall issue a certificate of registration in the prescribed form.

[PCh311s19]19. Restriction on use of title

(1) No person or persons other than a Pharmacist shall, on or after the commencement of this Act, assume, take, exhibit or in any way make use of any title, emblem, or description reasonably calculated to suggest that he is a Pharmacist.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(3) For the purpose of subsection (1), the use of any of the titles "pharmacist", "druggist", "pharmaceutist", "Apothecary", "Apothek", or "pharmaceutical chemist", or any similar word or combination of words in any language, shall be deemed to be reasonably calculated to suggest that the person or persons are pharmacists.

[PCh311s20]20. Application for retention in the Register

(1) Every registered person shall, before the 31st December each year, file information to the Council in the prescribed manner for the retention of his name in the Register.

(2) An application under subsection (1) shall be accompanied with a prescribed fee.

(3) The Council may, by its resolution, strike off from the relevant register any registered person who does not comply with the provisions of subsections (1) and (2) of this section.

[PCh311s21]21. Publication of registered particulars

(1) The Registrar shall cause to be published in the Gazette, as soon as may be practicable after registration, the particulars entered in each register in respect of each person and subject to the directions of the Council, any amendment or deletion of the particulars in the register.

(2) The Registrar shall cause to be published in the Gazette, at least once each year, a list containing the particulars entered in each register in respect of all persons remaining on the register at the close of the previous year.

[PCh311s22]22. Roll of Pharmaceutical Technicians

(1) The Registrar shall keep a Roll of Pharmaceutical Technicians in the prescribed forms.

(2) As soon as practicable after the Council has accepted any person for enrolment, the Registrar shall enter in the Roll in respect of that person the following particulars:

- (a) his name and address;
- (b) the date of enrolment;
- (c) his qualifications; and
- (d) such other particulars as the Council may, from time to time, direct.

(3) All changes of the particulars of the person enrolled under subsection (2) shall be entered in the Roll by the Registrar.

(4) The Registrar may rectify, save for any substantive error, any clerical or typographical error in the Roll or other document containing extract from the Roll.

[PCh311s23]23. Enrolment of Pharmaceutical Technicians

(1) Subject to any regulations made under section 38, providing for the suspension, revocation or cancellation of any enrolment granted under this Act, a person shall be entitled, upon making an application to the Council in the prescribed manner, to be enrolled under this section and to offer his services if he satisfies the Council that—

(a) he is a Pharmaceutical Technician who is a holder of a Diploma in pharmaceutical sciences or any other qualification recognized by the Council as being equivalent to a Diploma in pharmaceutical sciences offered in Tanzania;

(b) he has complied with such additional requirements relating to the acquisition of practical experience as a Pharmaceutical Technician as the Minister may, after consultation with the Council prescribe by regulations made under section 38 of this Act;

(c) his professional and general conduct render him a fit and proper person to be enrolled.

(2) An applicant aggrieved by the decision of the Council under this section may appeal to the Minister within one month after the receipt of the aforementioned decision.

(3) For the purposes of this section, the Council shall publish in the Gazette particulars of the qualifications for the time being accepted by the Council.

[PCh311s24]24. Certificate of enrolment

Upon the enrolment of a Pharmaceutical Technician and on payment of the prescribed fee, the Registrar shall issue a certificate of enrolment in the prescribed form.

[PCh311s25]25. Application for retention in the Roll

(1) Every enrolled person shall, before the 31st December each year, file information to the Council in the prescribed manner for the retention of his name in the Roll.

(2) An application under subsection (1) shall be accompanied with a prescribed fee.

(3) The Council may, by its resolution, strike off from the Roll any enrolled person who does not comply with the provisions of subsections (1) and (2) of this section.

[PCh311s26]26. Publication of enrolled persons

(1) The Registrar shall cause to be published in the Gazette, as soon as may be practicable after enrolment, the particulars entered in the Roll in respect of each person and subject to the directions of the Council, any amendment or deletion of the particulars in the Roll.

(2) The Registrar shall cause to be published in the Gazette, at least once each year, a list containing the particulars entered in the Roll in respect of all persons remaining on the Roll at the close of the previous year.

[PCh311s27]27. List of Pharmaceutical Assistants

(1) The Registrar shall keep a List of Pharmaceutical Assistants in the prescribed form.

(2) As soon as practicable after the Council has accepted any person for enlisting, the Registrar shall enter in the List in respect of that person the following particulars—

- (a) his name and address;
- (b) the date of enlisting;

- (c) his qualifications; and
- (d) such other particulars as the Council may direct.

(3) All changes in the particulars enlisted under subsection (2) shall be entered in the List by the Registrar.

(4) The Registrar may rectify, save for any substantive error, any clerical or typographical error in the List or other document containing extract from the List.

[PCh311s28]28. Enlisting of Pharmaceutical Assistants

(1) Subject to any regulations made under section 38 providing for the suspension, revocation or cancellation of any enlisting granted under this Act, a person shall be entitled, upon making an application to the Council in the prescribed manner, to be enlisted under this section and to offer his services if he satisfies the Council that—

(a) he is a Pharmaceutical Assistant who is a holder of a certificate in pharmaceutical sciences or any other qualification recognized by the Council as being equivalent to a certificate in pharmaceutical sciences offered in Tanzania;

(b) he has complied with such additional requirements relating to the acquisition of practical experience as a Pharmaceutical Assistant as the Minister may, after consultation with the Council prescribe by regulations made under section 38 of this Act;

(c) his professional and general conduct render him fit and proper person to be enlisted.

(2) An applicant aggrieved by the decision of the Council under this section may appeal to the Minister within one month after notice is given to him of the aforementioned decision.

(3) For the purposes of this section, the Council shall publish in the Gazette particulars of the qualifications for the time being accepted by the Council.

[PCh311s29]29. Certificate of Enlisting

Upon the enlisting of a Pharmaceutical Assistant and on payment of the prescribed fee, the Registrar shall issue a Certificate of Enlisting in the prescribed form.

[PCh311s30]30. Application for retention in the List

(1) Every enlisted person shall, before the 31st December each year, file information to the Council in the prescribed manner for the retention of his name in the List.

(2) An application under subsection (1) shall be accompanied with a prescribed fee.

(3) The Council may, by its resolution, strike off from the List any enlisted person who does not comply with the provisions of subsections (1) and (2) of this section.

[PCh311s31]31. Publication of enlisted particulars

(1) The Registrar shall cause to be published in the Gazette, as soon as may be practicable after enlisting, the particulars entered in the List in respect of each person and subject to the directions of the Council, any amendment or deletion of the particulars in the List.

(2) The Registrar shall cause to be published in the Gazette, at least once each year, the particulars entered in the List in respect of all persons remaining on the List at the close of the previous year.

[PCh311s32]32. Publication as sufficient evidence of registration, enrolment or listing

(1) A publication under section 21, 26 or 31 shall be sufficient evidence that the person mentioned in it is registered, enrolled or enlisted under this Act, and the deletion from the Register, Roll or List of the name of any person notified by the publication, or the absence of the name of any person from that publication, shall be sufficient evidence that, that person is not registered, enrolled or enlisted or that the validity of his registration, enrolment or enlisting has ceased to have effect.

(2) The Registers, Rolls and Lists and their copies or extracts from them which purport to have been certified under the hand of the Registrar shall be received in as court tribunal or any body authorized to receive as sufficient evidence of the facts stated therein.

[PCh311s33]33. Registrar may call for information

The Registrar shall, on his own motion or if requested by the Council, and if he considers it necessary for the furtherance of the objects and purposes of this Act, require any person registered, enrolled or enlisted under this Act, by a registered letter sent to the last known address of the person, to furnish any information relating to his practice as a Pharmacist, Pharmaceutical Technician or Pharmaceutical Assistant or any other matter which may be specified in the letter.

PART IV

OFFENCES AND PENALTIES (ss 34-35)

[PCh311s34]34. Penalties for professional misconduct

(1) Where—

(a) a registered, enrolled or enlisted person is found by the Council to be guilty of misconduct in any professional respect; or

(b) a registered, enrolled or enlisted person is convicted by any court in the United Republic of Tanzania or elsewhere having power to award imprisonment for an offence which in the opinion of the Council is incompatible with the status of a Pharmacist, Pharmaceutical Technician or Pharmaceutical Assistant; or

(c) the Council is satisfied that the name of any person has been fraudulently registered, enrolled or listed,
the Council may, if it thinks fit, give a direction requiring that person or the Registrar to strike his name off the Register, Roll or List.

(2) The Council may, if it thinks fit, defer further its decision as to the giving of a direction under the provisions of subsection (1) until subsequent meeting of the Council, but—

(a) no decision shall be deferred under this subsection for periods exceeding one year in the aggregate; and

(b) no person shall be a member of the Council for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Council when the decision was deferred.

(3) For the purposes of subsection (1) of this section a person shall not be treated as guilty as mentioned under paragraph (b) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may be brought in connection with that conviction.

(4) When the Council gives a direction under subsection (1) of this section, the Council shall cause a notice of the direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the High Court, and the Council may appear as respondents to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Council shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the Council under subsection (1) of this section shall take effect—

(a) where no appeal under this section is brought against the direction within the time limited for the appeal, on expiration of that time;

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;

(c) where such appeal is brought and is not withdrawn or struck out as aforesaid, and when the appeal is dismissed.

(7) A person whose name is removed from a Register, Roll, or List pursuant to a direction of the Council under this section shall not be entitled to be registered in that Register, Roll or List again except in pursuance of a direction in that behalf given by the Council on the application of that person.

(1) Unless otherwise exempted under this Act, any person who not being a fully registered Pharmacist or being fully registered Pharmacist allows his licence to expire so that the prescribed fee is in arrears for more than one year—

(a) for or in expectation of reward practises or holds himself out as a Pharmacist; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a Pharmacist;

(c) for the purpose of procuring the registration of any name, qualification or other matter:

(i) makes a statement which he believes to be false in a material particular; or

(ii) recklessly makes a statement which is false in a material particular,
he shall be guilty of an offence.

(2) A person who commits an offence under this section shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

(3) Where an offence under this section has been committed by a body corporate and is proved to have been committed with the consent or knowledge of, or to be attributable to any neglect on the part of, any Director, Manager, Secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity,

he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished accordingly.

PART V

MISCELLANEOUS PROVISIONS (ss 36-40)

[PCh311s36]36. Liability of members of the Council, etc.

No matter or thing done by any member of the Council, the Registrar or any other person empowered to perform any function under this Act shall, if done in good faith in execution or purported execution of his function under this Act, render the member, the Registrar or that other person personally liable for the matter or thing done.

[PCh311s37]37. Power to delegate

The Council may delegate to any person, its members or to the Registrar any of its function conferred upon it by this Act.

[PCh311s38]38. Regulations

The Minister may, on advice of the Council make regulations with respect to any of the following matters or for any of the following purposes—

(a) prescribing the forms, the manner, the procedure and the fees payable in respect of applications for registration, enrolment or enlisting under this Act;

(b) prescribing, the additional requirements relating to experience referred to in sections 15, 23 and 28;

(c) the conduct of inquiries by the Council, and the attendance of witnesses and production of evidence at inquiries under this Act, including the power to take evidence on oath;

(d) prescribing grounds for suspension or cancellation or a registration, enrolment or enlisting granted under this Act;

(e) anything which is required or permitted to be prescribed provided for under this Act.

[PCh311s39]39. Rules of the Council

(1) The Council may, with the consent of the Minister make rules for the better carrying out of its functions under this Act and without prejudice to the generality of the power conferred by this section, the Council may by such rules—

(a) prescribe qualifications which shall be recognized as entitling the holder to registration, enrolment or enlisting under this Act;

(b) prescribe ethics for the practice of the profession of pharmacy;

(c) prescribe rules to regulate the standards of professional conduct of Pharmacists;

(d) provide for and regulate the manner of giving assistance to members of the public on matters touching upon, ancillary or incidental to, the practice of the profession or pharmacy;

(e) prescribe anything which, in the opinion of the Council, is incidental or conducive to the exercise of its functions and powers under this Act;

(f) prescribe fees for different purposes in connection to this Act.

(2) Rules made by the Council under this section shall be published in the Gazette.

[PCh311s40]40. Savings

(1) Every person who, immediately before the commencement of this Act, was registered in the Register of Pharmacists under the Pharmaceutical and Poisons Act * and is resident in Tanzania, shall be deemed to have been registered under this Act.

(2) Every person deemed by subsection (1) of this section to be registered under this Act, shall submit to the Council particulars of his registration in such form as shall be prescribed and be issued with a certificate of registration under this Act if the Council is satisfied with the particulars supplied.

SCHEDULE

1. Composition of the Council

The Council shall consist of:

- (a) a Chairman - who shall be a Pharmacist not employed by the Government appointed by the Minister;
- (b) a Chief Pharmacist in the employment of the United Republic of Tanzania;
- (c) a General Secretary of the Pharmaceutical Society of Tanzania;
- (d) a Dean from a Faculty of Pharmacy;
- (e) a legally qualified person holding office in the Attorney-General's Chambers, nominated in that behalf by the Attorney-General;
- (f) one Pharmacist appointed by the Minister;

(g) two Pharmaceutical Technicians of whom one should be a Secretary-General of Tanzania Pharmaceutical Technician Association, and one appointed by the Minister;

(h) one Pharmaceutical Assistant appointed by the Minister.

2. Vice-Chairman

The members shall elect one of their number to be the Vice-Chairman of the Council and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, but shall be eligible for re-election.

3. Tenure of office

(1) A member shall, unless his appointment is sooner terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment.

(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the Council.

4. Meetings of the Council

(1) The Council shall ordinarily meet at such times and places as it deems necessary for transaction of its business, but shall meet at least once in every three months.

(2) The Chairman or in his absence, the Vice-Chairman, may at any time call a special meeting upon a written request by a majority of the members.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Council. In the absence of both the Chairman and the Vice-Chairman, the

members present shall appoint a member from amongst themselves to preside over the meeting.

5. Absent members to be represented

If a member of the Council who is a member by virtue of his office is unable for any reason to attend any meeting of the Council he may nominate another person from his organisation to represent him in the meeting.

6. Quorum

The quorum at any meeting of the Council shall be half of the members.

7. Decision of the Council

(1) Subject to subparagraph (2), matters proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes then the person presiding shall have a casting vote in addition to his deliberative vote.

(2) A decision may be made by the Council without a meeting by circulation of the relevant papers among the members and the expression of the views of the members in writing, but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Council.

8. Minutes of meetings

(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at the meeting and the minutes of each meeting of the Council shall be read and confirmed or amended and confirmed at the next meeting of the Council and signed by the person presiding and the Secretary to the meeting.

(2) Any minutes purporting to be signed by the person presiding and the Secretary at a meeting of the Council shall in the absence of proof of error be deemed to be a correct record of the meeting whose minutes they purport to be.

9. Vacancies, etc., not to invalidate proceedings

The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

10. Council may regulate its own proceedings

Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

11. Proof of documents

Any document purporting to be under the hand of the Registrar as to any resolution of the Council or as having been issued on behalf of the Council, shall be receivable in all courts or tribunals or other bodies authorised to receive evidence and shall unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained in the document.