

PHARMACY ACT 1967

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(XI OF 1967)

(As Amended Upto 8th February 1973).

An act to establish Pharmacy Councils to regulate the practice of Pharmacy.

WHEREAS it is expedient to establish Pharmacy Councils to regulate the practice of pharmacy and to provide to matters connected therewith and incidental thereto;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central legislation in the matter;

It is hereby enacted as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Pharmacy Act, 1967.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context,

(a) 'approved' means approved under section 18 or, as the case may be, section 19;

(b) 'Central Council' means the Pharmacy Council of Pakistan established under section 3;

(c) 'Council' means a Pharmacy Council established under section 3;

(d) 'Medical Institution' means an institution whose medical qualifications are recognized under the Medical Council Ordinance, 1962 (XXXII of 1962);

(e) 'Pakistan Pharmacists Association' means the association registered under the Societies Registration Act 1860 (XXI of 1860) and known at the commencement of the Pharmacy (Amendment) Act, 1973 by that name;

(f) 'Pharmacist' means a person who is registered under section 24 in register A and Register B.

(g) 'Pharmacy Institution' means an institution whose qualifications of Pharmacy are recognized under this Act; and

(h) 'Provincial Council' means the Pharmacy Council of a Province established under section 3.

3. Establishment of Pharmacy Councils. Within a period of one year from the commencement of this Act:

(a) The Central Government shall, by notification in the official Gazette, establish a Central Pharmacy Council to be known by the name of the Pharmacy Council of Pakistan; and

(b) Each provincial Government shall in like manner, establish a provincial Pharmacy Council to be known by the name of the province concerned.

(2) Each of the Pharmacy Councils established under sub section (1) shall be a body corporate having perpetual succession and common seal, with power, among

others, to acquire, hold and dispose off property, and shall by its name sue and be sued.

4. Composition of Central Council. (1) The Central Council shall, subject to the provisions of sub section (2), consist of the following members, namely:

(a) The Director General of Health, Government of Pakistan, ex-officio, who shall, unless the Central Government appoints any other officer to be the President, also be the President of the Council;

(b) The officer, if any, appointed under clause (a) to be the President of the Council;

(c) Eight persons to be nominated by the Federal Government out of whom one from each province shall be nominated in consultation with the provincial Government concerned, one shall be a teacher of Pharmaceutics and one a teacher of Pharmaceutical Chemistry;

(d) One person from each province, to be nominated by the Federal Government so far as may be in consultation with the provincial Council concerned;

(e) One person, to be nominated by the Federal Government in consultation with the Pakistan Pharmacists Association; and

(f) The Drugs Controller, Government of Pakistan; and

(2) The Central Government may by notification in the official Gazette, increase or decrease the number of persons to be nominated by it under clause (c) of sub section (1).

Provided that the decrease in the number of members shall not affect the continuance in office of, and the performance of functions by, any member until the expiry of his term.

5. Composition of the Provincial Council. (1) A Provincial Council shall, subject to the provisions of sub section (2), consist of the following members namely:

(a) the Secretaries to the Provincial Governments in the Health Department, exofficio, who shall, unless the Provincial Government appoints any other officer to be the President, also be the President of the respective Council; and

(b) the officers, if any, appointed under clause (a) to be the President of the Council;

(c) five persons to be nominated by the Provincial Government, of whom one shall be an officer of that Government; and

(d) One person to be nominated by the provincial Branch of the Pakistan Pharmacists Association

6. Disqualification for membership: A person, other than a professor of a medical institution of a pharmacy institution or an officer of the Provincial Government nominated under Clause(c) of sub section (1) of Section 5, shall not be eligible for nomination as a member of the council unless he is a pharmacist registered in Register A;

Provided that, for the purpose of the constitution of the first Council after the Commencement of the Pharmacy (Amendment) Act, 1973, a person who is qualified to be registered as a pharmacist under this Act shall be eligible for such nomination.

7. Publication of names. The Central Government shall publish in the official Gazette the names or the official titles of the members of the Council.

8. Term of office. (1) Subject to provision of subsection (2), a member other than an ex-officio member shall hold office for a period of three years commencing on the day on which he assumes office and shall be eligible for re-nomination.

Provided that notwithstanding the expiry of his term a member shall continue to function until his successor assumes office.

(2) Where the Central Government or, as the case may be, the Provincial Government, upon recommendation of a majority of the members of the Council, is satisfied that a member of the Council is negligent in the discharge of his duties or is guilty of any unprofessional or dishonorable conduct or is otherwise not competent to perform the function of a member, it may, by notification in the official Gazette, remove such member; and upon the publication of such notification the seat of the member shall become vacant.

9. Filling of casual vacancy. A casual vacancy in the office of a member shall be filled for the remainder of term of such member not being less than six months, by nominating another person in his place, in the same manner in which such a member was nominated.

10. Vacancy, etc., not to invalidate the proceedings of a Council. No act or proceedings of a Council shall be valid merely on the ground of the existence of any vacancy in, or any defect in the composition of, the Council.

11. Election of Vice-President. (1) A Council shall every year elect one of its members to be the vice President of the Council and the Vice-President so elected shall hold office for a period of one year and shall be eligible for re-election:

Provided that a Vice-President shall, notwithstanding the expiry of his term, continue to function until his successor is elected.

(2) The Vice-President shall perform such functions as may be entrusted to him by the Council and, in the absence of the President also the, functions of the President.

12. Committees of a Council. (1) A Council may constitute such committees as it deems fit for the purpose of advising and assisting it in the performance of its functions.

(2) A committee constituted under sub-section (1) may co-opt as its member any person whose assistance or advice it may consider necessary for the efficient performance of its functions.

13. Meetings of Council. (1) A Council shall meet at such time and place, and a meeting of Council shall be summoned and conducted in such manner, as may be laid down by its byelaws.

Provided that, until such bye-laws are made, the President of the Council may, by notice addressed to each member summon and conduct a meeting at such time and place and in such manner as he may deem expedient.

(2) The President and, in his absence, the Vice-President shall preside at every meeting of the Council and, in the absence of both the President and the Vice-President, the members present shall elect one amongst them to preside.

(3) The quorum for a meeting of the Council shall be one third of the total numbers a fraction being counted as one.

14. Annual Report. As soon as may be after the close of every year, the Central Council shall submit to the Central Government an annual report giving an account of its proceedings together with a statement of moneys received and expenses incurred by it during that year.

15. Appointment of Secretary, officers and staff of the Council. (1) A council shall, with the approval in the case of the Central Council of the Central Government and in the case of a Provincial Council of the Provincial Government, appoint a Secretary from amongst persons eligible for registration as pharmacists in Register "A" on such terms and conditions as it may deem fit.

(2) The Council may also appoint such officers and staff as may be necessary for the efficient performance of its functions.

16. Finances. (1) The funds of the Central Council shall consist of such moneys as may be placed at its disposal by the Central Government.

(2) The funds of a Provincial Council shall consist of the fees received by it under this Act and of such moneys as may be placed at its disposal by the Provincial Government.

17. Functions of the Central Council. (1) The functions of the Central Council shall be

(a) to approve examinations in pharmacy for the purpose of qualifying persons for registration as pharmacists;

(b) to prescribe the subjects in which approved examinations shall be held;

(c) to approve the courses of study and practical training in pharmacy for the purpose of admission to approved examination;

(d) to prescribe the conditions and procedure for admission of candidates to an approved examination;

(e) to lay down the standard of teaching to be maintained by institutions conducting the approved courses of study;

(f) to prescribe the equipment and facilities to be made available to the students;

(g) to recognise degree or diplomas in pharmacy for the purpose of registration as pharmacists;

(h) to cause inspection of institutions which conduct any courses of study in pharmacy and of the teachings imparted and examinations held by them; and

(i) to do such other acts and things as it may be empowered or required to do by or under this Act.

(2) The Central Council, with the previous approval of the Central Government, may, by notification in the official Gazette, make regulations for the purposes of sub-section (1).

18. Approval of examinations. (1) Any institution or authority, including a Provincial Council, which holds an examination in pharmacy, may apply to the Central Council for approval of the examination for the purpose of qualifying a person for registration as a pharmacist under this Act.

(2) The Central Council, if it is satisfied after such inquiry as it may think fit that the examination for the approval of which an application has been made under sub-section (1) is in conformity with this Act and the regulations, shall

approve the examination and, by notification in the official Gazette, declare it to be an approved examination for the purpose of qualifying a person for registration as a pharmacist under this Act.

19. Approval of courses of study.-(1) Any institution or authority which conducts a course of study in pharmacy may apply to the Central Council for approval of such course of study for the purpose of admission to an approved examination.

(2) The Central Council, if is satisfied after such inquiry as it may think fit that the course of study for the approval of which an application has been made under sub-section (1) is in conformity with this Act and the regulations, shall submit the application together with its recommendation to the Central Government and shall, upon the approval of the course of study by the Central Government, declare it, by notification in the official Gazette, to be an approved course of study for the purpose of admission to an approved examination.

20. Furnishing of information.- Every institution or authority which applies for the approval of an examination under section 18 or of a course of study under section 19, or holds an approved examination, or conducts an approved course of study, shall furnish to the Central Council such information as the Council may, from time to time, require relating to-

(a) the course of study conducted and training given;

(b) the examination held;

(c) the ages at which the students may undergo the course of study;

(d) the equipment and facilities provided for the students; and

(e) matters generally pertinent to the course of study, training and examinations and standard of teaching.

21. Inspectors.- (1) The Central Council may appoint such Inspectors for the inspection of institutions as it may consider necessary.

(2) An Inspector appointed under sub-section (1) may, if he is so authorised in writing by the President of the Council,-

(a) inspect any institution which holds an approved examination or conducts an approved course of study and may attend any such examination held by such institution;

(b) inspect any institution which has applied for the approval of the examination held, or course of study conducted, by it and attend any examination held by such institution.

(3) An Inspector who attends any examination shall not interfere with the conduct thereof but shall submit to the Central Council a report on the sufficiency or otherwise of such examination and on any other matter in regard to which the Central Council may require him to report.

22. Withdrawal of approval. (1) Where, upon a report by an Inspector, it appears to the Central Council that an approved course of study or an approved examination does not continue to be in conformity with this Act and the regulation, the Central Council shall give notice to the institution or authority concerned calling upon it to explain in writing why the approval of its course of study or examination should not be withdrawn.

(2) The institution or authority to whom a notice has been given under sub-section (1) shall, within sixty days from the receipt of such notice, comply with

the notice and may also make such representation to the Central Council, through the Provincial Government, as it may wish to make.

(3) The Central Council, after considering the explanation given and any representation made under sub-section (2) and any observations on the representation which the Provincial government may think fit to make, may, by notification in the official Gazette declare that its approval of the course of study or examination conducted or held by the institution or authority concerned shall stand withdrawn with affect from such date as may be specified therein; and every such declaration shall state that the course of study or examination conducted or held by such institution or authority shall be deemed to be approved only when completed or passed, as the case may be, before the date so specified.

23. Functions of a Provincial Council.- The functions of a Provincial Council shall be-

(a) to prepare and maintain registers of pharmacists and apprentices in pharmacy;

(b) to register pharmacists and grant certificates of registration.

(c) to conduct examinations for the purpose of registration as pharmacists; and

(d) to do such other acts and things as it may be empowered or required to do by this Act.

24. Preparation and maintenance of Registers.- (1) The Provincial Council shall prepare or cause to be prepared and maintained the following Registers of Pharmacists and apprentices for the Province, namely:-

(a) Register A - in which shall be registered the persons specified in clause (a) of sub-section (1) of section 25;

(b) Register B - in which shall be registered the persons specified in clauses (b) and (c) of the said sub-section; and

(c) Register C - in which shall be registered the apprentices in pharmacy;

Provided that the Provincial Council may, with the previous approval of the Provincial Government, discontinue the registration of apprentices in pharmacy and may, with like approval re-open such registration after it has been discontinued and shall, upon such discontinuance or re-opening, publish in the official gazette a notice there of specifying the date of such discontinuance or re-opening.

(2) Every Register prepared and maintained under sub-section (1) shall include the following particulars relating to a person registered, namely;

(a) full name;

(b) residential address;

(c) professional address;

(d) father's name;

(e) date and place of birth;

(f) nationality;

(g) qualification;

(h) date on which registered; and

(i) such other particulars as may be prescribed by bye-laws.

25. Qualifications for registration as a pharmacist or as an apprentice in pharmacy.-(1) The following persons shall, subject to the provision of sub-section (3), be qualified for registration as pharmacists under this Act, namely;

(a) persons who hold a degree in pharmacy conferred by a University or an institution affiliated thereto, where the degree is recognised by the Central Council;

(b) persons who hold a diploma in pharmacy granted by any institution recognised by the Central Council; and

(c) persons who pass the examination in pharmacy held by a Provincial Council.

(1-a) Subject to the provisions of sub-section (3) during the period of one year from the commencement of the Pharmacy (Amendment) Act 1973, a person who

was on the 19th day of June, 1972 to be deemed to be qualified for registration as a Pharmacist shall be deemed to be so qualified; and

(2) The following persons shall, subject to the provisions of sub-section (3) be qualified to be registered as an apprentice in Pharmacy, namely:

(i) an inspector of Drugs and a government Analyst appointed under the Drugs Act, 1940 (XXIII of 1940), if not otherwise eligible for registration;

(ii) a person certified by a Government Hospital to be a qualified compounder and dispenser;

(iii) a person who has been taken as a student or apprentice in Pharmacy by, and produces a certificate to that effect from, a Pharmacist registered in Register "A" and approved for the purpose, by notification in the official Gazette, by the Provincial Government, and

(iv) a person who is a qualified person within the meaning of rule 65 of the West Pakistan Drugs Rules 1958, if not otherwise eligible for registration.

(3) No person shall be qualified for registration as a Pharmacist or as an apprentice in pharmacy-

(a) if he is of unsound mind and stands so declared by a court; or

(b) if he has been convicted by a court of any offence which in the opinion of the Provincial Council involves moral turpitude.

26. Procedure for registration. (1) As soon as may be after the opening of the Registers under section 24, the Provincial Council shall, by notification in the official Gazette, invite applications from persons desirous of being registered as pharmacists or as apprentices in pharmacy.

(2) An application for registration shall contain such particulars and be made in such form as may be specified by the Provincial Council and shall be accompanied by such fee as may be prescribed by the bye-laws.

(3) The Provincial Council shall examine every application received by it and, if it is satisfied that the applicant is qualified for registration under section 25, direct the entry of the name of the applicant in the appropriate Register.

(4) The Provincial Council shall, if it rejects the application of any person, inform the applicant in writing of such rejection within ninety days from the date of receipt of the application, and the applicant may within sixty days of the receipt of the information appeal against such rejection to the Provincial Government whose decision shall be final.

(5) Failure to inform the applicant of the rejection within the period specified in sub-section (4) shall be treated as acceptance of the application for registration.

27. Certificate of registration. (1) The Provincial Council shall issue a certificate of registration to a person who has been registered under section 26.

(2) A certificate of registration issued under sub-section (1) shall bear a number and the official seal of the Council and be signed by its President and the Secretary and shall contain the following, namely;-

(a) a passport size photograph of the person registered

(b) the full signature of the person registered; and

(c) an endorsement of any mark of identification of the person registered.

(3) A copy of the certificate with all the particulars specified in sub-section (2) shall be kept in the official record of the Council,

(4) A person to whom a certificate of registration has been issued may, if the original is lost, defaced or mutilated or for any other reason, obtain a duplicate thereof on payment of the same fee as was paid for the original.

28. Revocation of certificate.-(1) The Provincial Council may, after giving the person concerned an opportunity to make representation and of being heard, revoke the certificate of registration issued to him, if such person-

(a) incurs any disqualification specified in sub-section (3) of section 25; or

(b) contravenes any of the provisions of the Poisons Act, 1919 (XII of 1919), the Dangerous Drugs Act, 1930 (II of 1930) the Drugs Act 1940 (XXIII of 1940), or this Act or of the rules made under any of those Acts; or

(c) fails or neglects to comply with any directive in respect of the profession of a pharmacist with the Central Government or the Provincial government may, from time to time, issue; or

(d) is guilty of such professional misconduct as may be laid down by the Provincial Council in this behalf.

(2) Where any certificate of registration is revoked under sub-section (1), the name of the person whose certificate has been so revoked shall, after he has been given a notice in writing of such revocation, be struck off the register in which his name was entered and his registration shall thereupon stand cancelled.

(3) The Provincial Council may, of its own motion and shall, upon an application made in this behalf within thirty days of the receipt of the notice under sub-section (2) by the person concerned review its decision to revoke a certificate of registration; and the decision of the Council upon such review shall be final.

29. Examination for registration as pharmacists. (1) For the purpose of registration as pharmacists, the Provincial Council shall, after giving notice in this behalf hold examinations twice in every year.

(2) An examination under sub-section (1) shall be held at such place in a province as the Provincial Council may decide.

(3) Notice of an examination shall be published for a continuous period of not less than one week in at least one newspaper in English and one newspaper in the local language, each having wide circulation in the Province.

(4) Every application for admission to an examination shall be made in such manner and in such form as may be specified by the Provincial Council and shall be accompanied by-

(a) such fee as may be prescribed by the bye-laws;

(b) a certificate of good moral character from a respectable person; and

(c) such other papers or particulars as may be required by the Provincial Council.

30. Qualification for admission to an examination.-An applicant for admission to an examination under section 29,-

(a) shall not be below seventeen years of age on the date fixed for the examination;

(b) must have passed the matriculation examination or an equivalent Higher Secondary or Senior Cambridge examination with general science as one of the subject; and

(c) must have been registered as an apprentice in pharmacy for a period of not less than two years before the date fixed for the examination.

Provided that clause (c) shall not apply during any period during which registration of apprentices in pharmacy remains discontinued under the proviso to sub-section (1) of section 24 and the period of two years thereafter:

Provided further that, notwithstanding anything contained in this Act, it shall not be necessary for any apprentice in Pharmacy to attend any regular classes or to complete any number of days or lectures at any institution for the purpose of being qualified to be admitted to an examination under section 29.

31. Prohibition of practice without registration.- (1) Subject to the provisions of sub-section (4), no person shall, after the expiry of five years from the commencement of this Act or such later date as the Central Government may, by notification in the official Gazette, specify in this behalf, practice as a pharmacist unless he is a registered pharmacist and displays his certificate of registration in a conspicuous place within the premises in which he so practices.

(2) Whoever employs any pharmacist for the purpose of any business in pharmacy shall cause the certificate of registration of the pharmacist so employed, to be displayed in a conspicuous place within the premises in which such business is carried on

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(4) Nothing in sub-section (1) shall apply to-

(a) a registered medical practitioner as defined in the Medical Council Ordinance, 1962 (XXXII of 1962), or a person authorized to prescribe antibiotic and dangerous drugs under the Allopathic System (Prevention of Misuse) Ordinance, 1962 (LXV of 1962), who dispenses medicine to his own patients or serves his own prescriptions;

(b) a person who deals in non-poisonous household remedies in original and unopened container at any store or place or prepares non-poisonous household remedies in accordance with the rules made under/Drugs Act, 1940 (XXIII of 1940),

(c) a person who manufactures, sells or distributes drugs and medicines which fall exclusively under the unani, ayurvedic, biochemic or homoepathic system of medicine;

(d) a person engaged as a health or veterinary technician in a Government hospital or institution;

(e) a foreign pharmacist who is engaged, with the approval of the Central Council, for the purposes of consultation, advice or instruction, and

(f) an apprentice in Pharmacy, during the period of four years from the commencement of the Pharmacy (Amendment) Act, 1973 or during such further period as the Federal Government may, be notification in the official Gazette, specify in this behalf.

32. Cognizance of offences, etc. No court shall take cognizance of an offence under this Act except upon a complaint in writing made by an Inspector appointed under the Drugs Act 1940 (XXIII of 1940), or an officer specially empowered in this behalf by the Provincial Government.

33. Indemnity.- No suit, prosecution or other legal proceeding shall lie against any person for any-thing which is in good faith done or intended to be done under this Act.

34. Power to make bye-laws. (1) A Council may with the previous approval, in the case of the Central Council of the Central Government and in the case of Provincial Council of the Provincial Government, make bye-laws for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye- laws may provide for all or any of the following matters, namely:

(a) the procedure for the meetings of the Council and of its committees;

(b) the management of the property of the Council;

(c) maintenance and audit of the accounts of the Council;

(d) the procedure for election of the Vice-President;

(e) the powers and duties of the President., Vice-President and other members of the Council;

(f) the terms and conditions of the service of the Secretary and other officers and staff of the Council;

(g) fees to be prescribed under this Act; and

(h) such other matters as are required by this Act to be provided for by bye-laws or are considered necessary for the efficient performance of the functions of the Council.

(3) Until such time as the bye-laws are made, the President of the Council may issue such instructions as he may consider necessary to regulate all or any of the matters specified in sub-section (2); and any such instructions shall stand rescinded upon the making of bye-laws by the Council.

Saving.- Nothing in this Act shall be deemed to affect the registration of any person who registered under the said Act immediately before the commencement of this Act.