

Pharmacists Registration Bill

Bill No. 36/2007.

Read the first time on 27th August 2007.

PHARMACISTS REGISTRATION ACT 2007

(No. of 2007)

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A BILL

i n t i t u l e d

An Act to repeal and re-enact with amendments the Pharmacists Registration Act (Chapter 230 of the 1985 Revised Edition), to establish the Singapore Pharmacy Council, to provide for the registration of pharmacists and for matters connected therewith, and to make consequential amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

5 **1.** This Act may be cited as the Pharmacists Registration Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

10 “appropriate register” means any of the registers referred to in section 15(1), as appropriate;

“Board” means the Specialists Accreditation Board established under section 36;

“Chief Pharmacist” means the Chief Pharmacist of the Ministry of Health;

15 “Council” means the Singapore Pharmacy Council established under section 3;

“practice of pharmacy” means any of the acts or activities specified in the First Schedule;

20 “practising certificate” means a practising certificate granted under section 23;

“President” means the President of the Council;

“registered pharmacist” means a person who is registered as a pharmacist under this Act;

“Registrar” means the Registrar of the Council;

25 “repealed Act” means the Pharmacists Registration Act (Cap. 230, 1985 Ed.) repealed by this Act;

“Singapore degree” means a degree or diploma in pharmacy conferred by —

(a) the King Edward VII College of Medicine, Singapore;

30 (b) the University of Malaya, Singapore;

- (c) the University of Singapore;
- (d) the National University of Singapore; or
- (e) any other tertiary institution in Singapore which the Minister may, by notification in the *Gazette*, prescribe;

5 “unauthorised person” means —

- (a) a person who is not a registered pharmacist; or
- (b) a registered pharmacist who does not have a valid practising certificate,

and who has not been exempted under section 70 or 71.

10

PART II

SINGAPORE PHARMACY COUNCIL

Establishment and incorporation of Singapore Pharmacy Council

15 **3.** There shall be established a body to be known as the Singapore Pharmacy Council, which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and performing such other acts or things as bodies corporate may by law do and perform.

20

Constitution of Council

4.—(1) Subject to section 7, the Council shall consist of the following members:

- 25 (a) 9 registered pharmacists each of whom shall be appointed by the Minister;
- (b) the Chief Pharmacist; and
- (c) the Head of the Department of Pharmacy of the National University of Singapore or a member of the Department who is a registered pharmacist designated by him.

(2) Subject to section 7, the members appointed under subsection (1)(a) shall hold office for a term of 3 years and shall be eligible for reappointment.

5 (3) The Minister may, at any time, revoke the appointment of any member appointed under subsection (1)(a) without assigning any reason.

Functions of Council

5. The functions of the Council are —

- (a) to keep and maintain registers of registered pharmacists;
- 10 (b) to approve or reject applications for registration under this Act or to approve any such application subject to such restrictions as it may think fit;
- (c) to issue certificates of registration and practising certificates to registered pharmacists;
- 15 (d) to make recommendations to the appropriate authorities on the courses of instructions and examinations leading to a Singapore degree;
- (e) to prescribe and implement measures, guidelines and standards for the training of persons seeking registration as pharmacists under this Act;
- 20 (f) to make recommendations to the appropriate authorities for the training and education of registered pharmacists;
- (g) to determine and regulate the conduct and ethics of registered pharmacists; and
- 25 (h) generally to do all such acts and matters and things as are necessary to be carried out under this Act.

President of Council

6.—(1) The Minister shall appoint one of the Council members to be the President of the Council.

30 (2) The President shall serve for such term as may be specified by the Minister and shall be eligible for reappointment.

(3) The President shall preside at any meeting of the Council and, in his temporary absence, the Council members present shall elect from among themselves one Council member to preside over the meeting.

Disqualifications from membership of Council

7. No person shall be appointed or shall continue to hold office as a Council member if —

- (a) he is not a citizen or a permanent resident of Singapore;
- 5 (b) he is an undischarged bankrupt;
- (c) he has been convicted in Singapore or elsewhere of any offence involving fraud, dishonesty or moral turpitude; or
- (d) he is totally or partially incapacitated by a mental or physical disability.

10 **Filling of vacancies**

8.—(1) The office of a Council member shall become vacant if the member —

- (a) dies;
- (b) resigns his office;
- 15 (c) becomes subject to any of the disqualifications specified in section 7; or
- (d) has his appointment revoked before the expiry of the term for which he has been appointed.

(2) The Minister may remove from office any Council member who is
20 absent without leave of the Council from 3 consecutive meetings of —

- (a) the Council; or
- (b) any committee appointed by the Council of which he is a member.

(3) Any question as to whether a person has ceased to be a Council
25 member shall be determined by the Minister whose decision shall be final.

(4) If any vacancy arises among the Council members, the Minister may
30 appoint a person to fill the vacancy in the manner in which the appointment to the vacant office was made, and that person shall hold office for as long as the Council member in whose place he was appointed would have held office.

(5) No act done by or under the authority of the Council shall be invalid in consequence of any defect that is afterwards discovered in the appointment or qualification of its members or any of them.

Meetings and quorum of Council

5 **9.**—(1) The Council shall meet at such times and places as the President or the Registrar may appoint.

(2) At any meeting of the Council, 5 Council members shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.

10 (3) The President or the Council member presiding at any meeting of the Council shall have an original vote and, in the case of an equality of votes, a casting vote.

(4) Subject to subsection (2), the Council may act notwithstanding any vacancy in the membership of the Council.

15 (5) Subject to the provisions of this Act, the Council may regulate its own procedure.

(6) The Council shall keep minutes of its proceedings in such form or manner as it thinks fit.

Appointment of executive secretary and other employees

20 **10.** The Council may appoint an executive secretary and other employees on such terms as the Council may determine.

Appointment of committees

11.—(1) The Council may —

25 (a) appoint one or more committees for any general or special purpose which, in the opinion of the Council, may be better dealt with or managed by a committee; and

(b) delegate, with or without restrictions or conditions as it thinks fit, any of the powers or functions which may be exercised or performed by the Council to any committee so appointed.

30 (2) The Council shall not delegate to a committee its power of delegation under subsection (1) or the power to make regulations under section 74.

(3) The number and term of office of the members of a committee and the number of those members necessary to form a quorum shall be fixed by the Council.

5 (4) A committee appointed under this section may include persons who are not Council members.

(5) The Council may continue to exercise any power conferred upon it or perform any function under this Act notwithstanding the delegation of such power or function under subsection (1).

10 (6) This section shall not apply to a Complaints Panel, a Disciplinary Committee, an Interim Orders Committee or a Health Committee.

Disclosure of interest

15 **12.**—(1) If a Council member is, directly or indirectly, interested in a matter under consideration by the Council and is present at a meeting of the Council at which the matter is the subject of consideration, such member shall, at the meeting and as soon as practicable after it commences, disclose his interest in that matter and may, with the permission of the Council, participate in its consideration of that matter, but shall not vote on any question with respect to that matter.

20 (2) No act or proceedings of the Council shall be questioned on the ground that any Council member has contravened this section.

Public servants

13. Every Council member and officer of the Council and every inspector appointed under section 65 shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

25

PART III

REGISTRATION OF PHARMACISTS

Registrar of Council

14.—(1) For the purposes of this Act, the Chief Pharmacist shall be the Registrar.

30 (2) The Minister may appoint another person to act as Registrar during the absence from Singapore or incapacity from illness or otherwise of the Registrar.

Registers

15.—(1) The Registrar shall keep and maintain the following registers:

(a) a register to be called the “Register of Pharmacists” containing —

5 (i) in Part I thereof, the names of persons registered as fully registered pharmacists under section 16(1) and (2); and

(ii) in Part II thereof, the names of persons registered as pharmacists with conditional registration under section 17(1);

10 (b) a register to be called the “Register of Specialists” containing the names of persons registered as specialists under section 18; and

(c) a register to be called the “Register of Temporarily Registered Pharmacists” containing the names of persons who are registered temporarily as pharmacists under section 19.

15 (2) The particulars to be included in any register referred to in subsection (1) in respect of a person are —

(a) his name, residential address and practice address (if any);

(b) the date of his registration;

20 (c) the qualification by virtue of which he is registered and the date he obtained the qualification; and

(d) such other particulars as the Council may determine.

(3) The Registrar shall —

(a) be responsible for the maintenance and custody of the registers; and

25 (b) publish on the Council’s Internet website a list of the names, addresses, qualifications and date of qualifications and registration of all pharmacists who —

(i) are registered under this Act; and

(ii) have in force practising certificates.

(4) A registered pharmacist shall inform the Registrar in writing of —

(a) any change in his name, residential address, practice address or such of his other particulars as may be prescribed, within 28 days of the change; and

5 (b) any alteration or addition to his qualification.

(5) Any person who contravenes subsection (4)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

10 (6) A person who makes a report of a change in his residential address under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (4) on the date which he makes the report.

15 (7) The Registrar may disclose any information in the registers to any person prescribed by regulations made under this Act, if the disclosure is in accordance with such conditions as may be specified in those regulations.

(8) Subsection (7) is without prejudice to any other right or duty to disclose the information under general or written law.

Full registration

20 **16.**—(1) Subject to the provisions of this Act, a person shall be eligible to be registered as a fully registered pharmacist if he —

(a) holds a Singapore degree; and

25 (b) has acquired not less than 12 months' practical experience in the practice of pharmacy at any establishment approved by the Council, of which not less than 9 months shall have been acquired under the supervision of a fully registered pharmacist at an establishment in Singapore.

(2) Notwithstanding subsection (1), a person, not being a Singapore degree holder, who —

30 (a) holds such qualifications as may be recognised by the Council; and

(b) satisfies the Council that he has special knowledge and skill and sufficient experience in any particular branch of pharmacy,

shall, if the Council thinks fit so to direct, be registered as a fully registered pharmacist.

(3) Notwithstanding subsections (1) and (2), the Council may, if it is of the view that it is not in the public interest for a person referred to in either of those subsections to be registered as a fully registered pharmacist, direct that he be registered as a pharmacist with conditional registration in Part II of the Register of Pharmacists, and section 17(3) to (8) shall apply accordingly.

Conditional registration

17.—(1) Subject to the provisions of this Act, any person who holds a prescribed qualification in pharmacy conferred by a tertiary institution outside Singapore or any other qualification which is, in the opinion of the Council, not lower in standing than a prescribed qualification, shall be eligible to be registered as a pharmacist with conditional registration.

(2) The Council may require a person with a relevant qualification, other than a prescribed qualification, to undergo and pass an examination conducted or arranged by the Council or by such other person as the Council may appoint to satisfy itself that the qualification is not lower in standing than a prescribed qualification.

(3) No person shall be entitled to registration under subsection (1) unless he —

(a) has acquired not less than 12 months' practical experience in the practice of pharmacy at any establishment approved by the Council, of which not less than 3 months shall have been acquired under the supervision of a fully registered pharmacist at an establishment in Singapore;

(b) has been selected for employment in Singapore as a pharmacist in any hospital or other institution or pharmacy practice approved by the Council; and

(c) has sat for and passed such examination as may be prescribed by the Council.

(4) The conditions of a person's registration under this section shall be specified in the direction by virtue of which he is registered.

(5) Without prejudice to the power of the Council to impose conditions, the direction may specify —

(a) that the person shall work for a specified period under the supervision of a fully registered pharmacist approved by the Council; and

5 (b) the particular employment or the descriptions of employment for which he is registered under this section.

(6) The Council may cancel the conditional registration of a pharmacist if —

(a) the pharmacist fails to comply with any of the conditions specified in the direction by virtue of which he is registered; or

10 (b) the Council is of the opinion, having regard to the report of the pharmacist supervising him, if any, that he is unable to perform the duties of a pharmacist satisfactorily.

(7) A person who is or has been registered with conditional registration may, after the expiration of the period of supervision specified under subsection (5)(a), apply to the Council to be registered as a fully registered pharmacist.

20 (8) If the Council thinks fit so to direct, having regard to the knowledge and skill shown and the experience acquired by the applicant referred to in subsection (3), he shall be registered under section 16 as a fully registered pharmacist.

(9) Upon a pharmacist with conditional registration becoming registered otherwise than conditionally or upon his registration being cancelled under subsection (6), his name shall be removed from Part II of the Register of Pharmacists.

25 **Registration of specialists**

18.—(1) Subject to the provisions of this Act, any registered pharmacist who —

30 (a) holds such qualification, or has gained such special knowledge, in a specialised branch of pharmacy as may be approved by the Council;

(b) has such experience in that branch of pharmacy as may be required by the Council; and

(c) has fulfilled such further conditions as may be specified by the Council,

may apply to the Council to be registered as a specialist in that branch of pharmacy.

(2) Upon the approval of an application referred to in subsection (1), the Council shall —

- 5 (a) register the applicant as a specialist in such branch of pharmacy in the Register of Specialists as the Council considers appropriate to his case; and
- (b) issue to him a specialist certificate in respect of that specialised branch of pharmacy.

10 **Temporary registration**

19.—(1) Subject to the provisions of this Act, any person —

- (a) who is resident temporarily in Singapore for the exclusive purpose of teaching, research or postgraduate study in an institution approved for that purpose by the Council;
- 15 (b) who possesses pharmacy knowledge, experience and skill which the Council considers to be of international standing or are such as to have special value to the people of Singapore; or
- (c) who is not otherwise entitled to be registered as a pharmacist under this Act but who, in the opinion of the Council, possesses
- 20 other qualifications which are adequate for the purposes of registration under this section,

may be registered as a pharmacist in the Register of Temporarily Registered Pharmacists for so long as he continues to engage himself exclusively in teaching, research or postgraduate study in pharmacy in

25 such approved institution or in such capacity as the Council may specify.

(2) The Council may require a person seeking registration under subsection (1) to sit for and pass such examination as may be prescribed by the Council.

(3) Any registration under subsection (1) shall be for a period not exceeding 2 years which may be renewed, at the discretion of the Council,

30 for a further period or periods each not exceeding 12 months.

(4) A person may be registered under subsection (1) subject to such conditions and restrictions as the Council may impose.

Evidence of qualification and entry of additional qualifications

20.—(1) No qualification shall be entered in an appropriate register unless the Registrar is satisfied by such evidence as he may consider proper that the person claiming the qualification is entitled thereto.

5 (2) Every person registered under this Act, who obtains any qualification in addition to the qualification by virtue of which he has been registered, may apply to the Council to have that additional qualification inserted in the appropriate register.

10 (3) The Council shall have power to decide what additional qualifications may be entered in an appropriate register.

Application for registration

21.—(1) An application for registration shall be made in such form and manner as the Council may determine and shall be accompanied by —

15 (a) such documents and particulars as may be required by the Council; and

(b) such fees as the Council may prescribe.

20 (2) Before registering an applicant, the Council may require the applicant to submit himself to a medical examination by a medical practitioner approved by the Council to determine if the applicant is fit to practise pharmacy.

(3) The costs of any medical examination referred to in subsection (2) shall be borne by the applicant.

25 (4) Subject to subsection (5), where an applicant has complied with subsection (1) and any requirement of the Council referred to in subsection (2), the Council shall register him as a pharmacist.

(5) The Council may refuse to register any applicant who —

(a) has had his registration as a pharmacist in any other country withdrawn, suspended or cancelled; or

(b) in the opinion of the Council —

30 (i) is not a person eligible to be registered as a pharmacist;

(ii) is not of good reputation and character; or

(iii) is unfit to practise as a pharmacist by reason of his physical or mental condition.

(6) Where the Council refuses to register an applicant, the Council shall by notice in writing inform the applicant of such refusal.

(7) Any person who is aggrieved by any refusal of the Council under subsection (5) may, within 30 days of the notice given under subsection
5 (6), appeal to the Minister whose decision shall be final.

(8) For the purpose of subsection (1), the Council may prescribe different fees for different classes of applicants.

Certificate of registration

10 **22.** The Council shall issue to a person who has been registered as a pharmacist a certificate of registration.

Practising certificate

15 **23.**—(1) Any registered pharmacist who desires to obtain a practising certificate shall make an application to the Council in such form and manner as the Council may determine and such application shall be accompanied by such fee as the Council may prescribe.

(2) A practising certificate shall be granted for a period not exceeding 2 years from the date of issue of the practising certificate.

(3) Any application for renewal of a practising certificate shall be —

20 (a) made no later than one month before the expiry of the practising certificate;

(b) made in such form and manner as the Council may determine; and

(c) accompanied by such fee as the Council may prescribe.

25 (4) Any registered pharmacist who applies for a practising certificate later than one month before the expiration of the practising certificate shall be liable to pay to the Council such late application fee as the Council may prescribe.

30 (5) The Council may refuse to grant a practising certificate to a registered pharmacist, or may refuse to renew his practising certificate, if the registered pharmacist fails to comply with any condition that is prescribed by the Council with the approval of the Minister for the purposes of this section.

(6) Where a person has had his registration in respect of any practice of pharmacy cancelled or suspended under Part VI, he shall surrender his practising certificate to the Council —

- 5 (a) within 14 days of being notified by the Council of such cancellation or suspension; or
- (b) in a case where an appeal is pending under Part VI, within such other period as the Council may specify.

(7) Any person who contravenes subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

- 10 (8) For the purposes of subsection (4), the Council may prescribe different late application fees for applications made before, and applications made after, the expiry of practising certificates.

Amendment of appropriate register

24. The Registrar shall —

- 15 (a) insert in the appropriate register any alteration which may come to his knowledge to any particulars or qualifications of any person registered under this Act;
- (b) correct any error in any entry in the appropriate register; and
- (c) remove from the appropriate register the name of any person —
- 20 (i) whose name is ordered to be removed under any provision of this Act;
- (ii) who is deceased;
- (iii) who has not renewed his practising certificate for a continuous period of not less than 5 years; or
- 25 (iv) who has requested and shown sufficient reason for his name to be removed from that appropriate register, unless an inquiry has or proceedings have commenced under Part VI against that person.

Removal of name from appropriate register

- 30 **25.**—(1) Notwithstanding the provisions of this Act, the Council may, upon such evidence as it may require, order the removal from the appropriate register of the name of a registered pharmacist under any of the following circumstances:

- (a) if he is registered under section 16(1), 17 or 19 and has contravened any condition or restriction imposed by the Council regarding his registration;
- (b) if he, being a registered pharmacist whose name is in the Register of Specialists —
- (i) has had his name removed from the Register of Pharmacists; or
- (ii) has contravened any condition or restriction imposed by the Council under section 18;
- (c) if he has obtained his registration by a fraudulent or an incorrect statement or through an error;
- (d) if he has had his registration as a pharmacist in any other country withdrawn, suspended or cancelled by the authority which registered him; or
- (e) if he has had his degree or qualification which entitled him to be registered under this Act withdrawn, suspended or cancelled by the authority through which it was acquired or by which it was awarded.
- (2) The Council shall, before exercising its powers under subsection (1), notify the registered pharmacist concerned of its intention to take such action.
- (3) The Council shall give the registered pharmacist an opportunity to submit reasons, within such period as the Council may determine, as to why his name should not be removed.
- (4) Any person aggrieved by an order under subsection (1) may, within 30 days of being notified of the order, appeal to the Minister whose decision shall be final.

Restoration of names removed under section 24 or 25

26.—(1) Subject to subsection (4), where the name of a person has been removed from an appropriate register under section 24(c)(iii) or 25(1)(a) or (b), the Council may, upon application by the person, if it thinks fit direct that —

- (a) his name be restored to the appropriate register; or

(b) he be re-registered as a pharmacist in the Register of Temporarily Registered Pharmacists, and section 19(2), (3) and (4) shall apply accordingly.

5 (2) No application under subsection (1) shall be made to the Council more than once in any period of 6 months by or on behalf of the pharmacist.

10 (3) No application under subsection (1) shall be made to the Council by or on behalf of the pharmacist unless the pharmacist has complied with all the terms of the order made against him under section 25(1), where applicable.

(4) The Council may require an applicant under this section to sit for and pass such examination as the Council may prescribe, before —

(a) restoring his name to the appropriate register; or

15 (b) re-registering him as a pharmacist in the Register of Temporarily Registered Pharmacists under subsection (1)(b).

Certificate of Registrar as evidence

20 **27.** A certificate purporting to be under the hand of the Registrar to the effect that at any time or during any period specified in the certificate any person was or was not a registered pharmacist, or had or did not have in force a practising certificate, or as to any entry in the appropriate register, or the removal from that register of any entry, shall, in the absence of proof to the contrary, and without further proof of the signature appended to the certificate, be sufficient evidence of the matters specified therein.

PART IV

PRACTICE OF PHARMACY

Unauthorised person acting as pharmacist

28.—(1) Subject to sections 70 and 71, an unauthorised person shall be guilty of an offence if he —

(a) practises pharmacy;

30 (b) wilfully and falsely pretends to be a duly qualified pharmacist;

(c) practises pharmacy or any branch of pharmacy, under the style or title of a pharmacist or under any name, title, addition or

description implying that he holds any diploma or degree in pharmacy or in any branch of pharmacy;

(d) takes or uses the name or title of pharmacist, pharmaceutical chemist, druggist, apothecary, or any other word in any language having the same meaning or being to the like intent;

(e) takes or uses any name, title, sign, uniform, badge, or any other addition or description implying, whether in itself or in the circumstances in which it is used, that he is qualified to practise as a pharmacist; or

(f) advertises or holds himself out as a pharmacist.

(2) It shall be a defence to a prosecution under subsection (1)(a) if the defendant proves that he did not in any way represent himself as a duly qualified or registered pharmacist.

Liability of employer, etc., for practice of pharmacy in contravention of section 28

29.—(1) Where an offence is committed under section 28 by any unauthorised person acting as an employee, an agent or a partner of another person, that other person shall also be guilty of an offence.

(2) It shall be a defence to a prosecution under subsection (1) if the defendant proves that the first-mentioned offence was committed without his knowledge and that he has taken all reasonable precautions and exercised due diligence to prevent the commission of that offence by the unauthorised person.

Liability of registered pharmacist for allowing another to act in contravention of section 28, etc.

30.—(1) A registered pharmacist who allows an unauthorised person to practise pharmacy in contravention of section 28 on any premises used by or under the control of that registered pharmacist shall be guilty of an offence.

(2) A registered pharmacist who, by his presence, countenance, advice, assistance or co-operation, has knowingly enabled an unauthorised person, whether described as an assistant or otherwise, to practise pharmacy in contravention of section 28 shall be guilty of an offence.

(3) It shall be a defence to a prosecution under subsection (1) or (2) if the defendant proves that —

- 5 (a) the commission of the offence was due to a mistake on his part or to reliance on information supplied to him or to the act of another person or some other cause beyond his control; and
- (b) he took all reasonable precautions and exercised due diligence to prevent the commission of the offence.

10 (4) A registered pharmacist who practises pharmacy on any premises on which any unauthorised person practises pharmacy in contravention of section 28, knowing or having reason to believe that that person was practising pharmacy on those premises in contravention of section 28, shall be guilty of an offence.

Suspended persons not to practise pharmacy during period of suspension

15 **31.**—(1) Any person whose registration as a pharmacist under this Act has been suspended under Part VI shall not practise pharmacy during the period of his suspension.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

20 False assumption of title of specialist

32.—(1) No person other than a specialist registered under section 18 who has in force a practising certificate shall take or use —

- (a) the name or title of specialist, or any other word in any language having the same meaning or being to the like intent; or
- 25 (b) any name, title, sign, uniform, badge, or any other thing implying that he is qualified to practise any specialised area of pharmacy defined by the Specialists Accreditation Board under section 37.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

30 (3) A registered pharmacist who is not registered under section 18 as a specialist in a branch of pharmacy shall not —

- (a) practise pharmacy or that branch of pharmacy under the style or title of a specialist in that branch of pharmacy, or under any name, title, addition or description implying that he is such a

specialist or has any degree, qualification or experience in that branch of pharmacy; or

(b) advertise or hold himself out as a specialist in that branch of pharmacy.

5 (4) A registered pharmacist who contravenes subsection (3) may be subject to disciplinary proceedings under this Act.

Fraudulent registration, etc.

33.—(1) No person shall —

10 (a) procure or attempt to procure registration as a pharmacist under this Act, a certificate of registration or a practising certificate, by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise;

15 (b) wilfully make or cause to be made any false entry in an appropriate register;

(c) forge or alter a certificate of registration or a practising certificate;

20 (d) fraudulently or dishonestly use as genuine a certificate of registration or a practising certificate which he knows or has reason to believe is forged or altered; or

(e) buy, sell or fraudulently obtain a certificate of registration or a practising certificate.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Pharmacist to use only qualifications entered in register and approved title, etc.

34.—(1) No registered pharmacist shall —

30 (a) use or exhibit or publish in any card, letter, stationery, nameplate, signboard, placard, circular, handbill or any notice displayed at the premises used by him for the practice of pharmacy any qualification other than the qualifications which are entered in any register kept under this Act or which has been approved by the Council; or

(b) use any title, addition or designation other than the title, addition or designation which has been approved by the Council.

(2) Any registered pharmacist who contravenes subsection (1) may be subject to disciplinary proceedings under this Act.

5 **General penalty**

35. Any person who is guilty of an offence under section 28(1), 29(1), 30(1), (2) or (4), 31(2), 32(2) or 33(2) shall be liable on conviction to a fine not exceeding \$25,000 and, in the case of a second or subsequent conviction for an offence under any of those sections, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

PART V

SPECIALISTS ACCREDITATION BOARD

Establishment of Specialists Accreditation Board

15 36.—(1) There shall be a board to be known as the Specialists Accreditation Board consisting of —

(a) a chairman who shall be appointed by the Minister from among the members of the Board; and

20 (b) not less than 6 registered pharmacists to be appointed by the Minister.

(2) The chairman and members of the Board shall be appointed for a term not exceeding 3 years but may be eligible for reappointment and may at any time be removed from office by the Minister.

25 (3) If any member of the Board dies, resigns or is removed from office, the Minister may fill the vacancy by the appointment of a registered pharmacist and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof.

30 (5) At any meeting of the Board, 3 Board members shall form a quorum.

(6) At any meeting of the Board, the chairman shall preside and in his absence the Board members present shall elect among themselves one Board member to preside at the meeting.

5 (7) If on any question to be determined by the Board there is an equality of votes, the chairman or the Board member presiding at the meeting shall have a casting vote.

(8) Subject to the provisions of this Act, the Board may determine its own procedure.

10 (9) The Board may appoint one or more committees consisting of such members as it thinks fit to assist the Board in carrying out its functions under this Act.

Functions of Specialists Accreditation Board

37.—(1) The functions of the Board shall be —

- 15 (a) to determine the qualifications, experience and other conditions for registration as specialists under this Act;
- (b) to define specialties in the practice of pharmacy for the purposes of maintaining and keeping the Register of Specialists;
- (c) to accredit the training programmes to be recognised for persons who intend to qualify for registration as specialists under this Act;
- 20 (d) to certify persons who have the qualifications for registration as specialists under this Act;
- (e) to recommend to the Council programmes for the continuing pharmacy education of persons who are registered as specialists under this Act; and
- 25 (f) to advise the Council on matters affecting or connected with the registration of specialists under this Act.

(2) Any person who desires to have a certificate from the Board certifying that he has the qualifications for registration as a specialist under this Act may apply to the Board.

30

(3) Any person who is aggrieved by the refusal of the Board to grant a certificate referred to in subsection (2) may, within 30 days of the notice of the refusal, appeal to the Minister whose decision shall be final.

PART VI

DISCIPLINARY AND HEALTH INQUIRIES

Appointment of Complaints Panel

5 **38.**—(1) For the purpose of enabling the Complaints Committees and Disciplinary Committees to be constituted in accordance with this Part, the Council shall appoint a panel, to be known as the Complaints Panel, consisting of —

(a) not less than 5 members of the Council;

10 (b) not less than 10 and not more than 40 registered pharmacists of at least 10 years' standing who are not members of the Council; and

(c) not less than 6 and not more than 40 lay persons nominated by the Minister.

15 (2) The term of office of a member of the Complaints Panel referred to in subsection (1)(a) shall expire at the end of his term of office as member of the Council, and a member of the Complaints Panel referred to in subsection (1)(b) or (c) shall be appointed for a term of 2 years; and any member of the Complaints Panel shall be eligible for reappointment.

20 (3) The Council may at any time remove from office any member of the Complaints Panel or fill any vacancy in its membership.

(4) The Council shall appoint a member of the Complaints Panel who is a member of the Council to be the chairman of the Complaints Panel.

Complaints against registered pharmacists

39.—(1) Any —

25 (a) complaint made or information given to the Council on the conduct of a registered pharmacist in his professional capacity or of his improper act or conduct which brings disrepute to his profession;

30 (b) information given to the Council on the conviction in Singapore or elsewhere of a registered pharmacist of any offence committed under this Act, the Health Products Act 2007 (Act 15 of 2007), the Medicines Act (Cap. 176), the Medicines

(Advertisement and Sale) Act (Cap. 177), the Misuse of Drugs Act (Cap. 185), the Poisons Act (Cap. 234) or such other written law as may be prescribed;

- 5 (c) information given to the Council on the conviction in Singapore or elsewhere of a registered pharmacist of any offence involving fraud or dishonesty, or implying a defect in character which makes him unfit for his profession; or
- 10 (d) information given to the Council touching upon the physical or mental fitness of a registered pharmacist to practise as a pharmacist,

shall be in writing and shall be supported by such statutory declaration as the Council may require, except that no statutory declaration shall be required if the complaint or information is made or given by a public officer or an officer of the Council.

- 15 (2) The Council shall refer such complaint or information in subsection (1), other than a complaint or information touching on the matters referred to in section 25, to the chairman of the Complaints Panel.

- 20 (3) The Council may, on its own motion, refer any information on the conviction of a registered pharmacist of any offence implying a defect in character which makes him unfit for his profession to the chairman of the Complaints Panel.

- 25 (4) Where a registered pharmacist has been convicted in Singapore or elsewhere of an offence involving fraud or dishonesty or has contravened section 32(3) or 34, the Council shall, notwithstanding subsection (1) or (2), immediately refer the matter to a Disciplinary Committee under section 42.

(5) The chairman of the Complaints Panel may from time to time appoint from among members of the Complaints Panel one or more committees comprising —

- 30 (a) a chairman of the committee who is also a member of the Council;
- (b) 2 registered pharmacists, at least one of whom is not a member of the Council; and

(c) a lay person,

each to be known as a Complaints Committee to inquire into any complaint or information mentioned in subsection (2) or (3).

5 (6) A Complaints Committee shall be appointed in connection with one or more matters or for a fixed period of time as the chairman of the Complaints Panel may think fit.

10 (7) Where any complaint or information mentioned in subsection (1)(a), (b) or (c) or (3) is referred to the chairman of the Complaints Panel, the chairman of the Complaints Panel shall lay the complaint or information before a Complaints Committee.

(8) Where any complaint or information mentioned in subsection (1)(d) is referred to the chairman of the Complaints Panel, the chairman of the Complaints Panel shall —

15 (a) if he is satisfied, based on any information given in support of the complaint or information, that a formal inquiry is necessary to determine the physical or mental fitness of the registered pharmacist to practise, refer the complaint or information to the Health Committee; or

20 (b) in any other case, lay the complaint or information before a Complaints Committee.

(9) The chairman of the Complaints Panel may at any time revoke the appointment of any Complaints Committee or may remove any member of a Complaints Committee or fill any vacancy in a Complaints Committee.

25 (10) No act done by or under the authority of a Complaints Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

30 (11) All the members of a Complaints Committee shall be present to constitute a quorum for a meeting of the Complaints Committee and any resolution or decision in writing signed by all the members of a Complaints Committee shall be as valid and effectual as if it had been made or reached at a meeting of the Complaints Committee where all its members were present.

(12) A Complaints Committee may meet for the purposes of its inquiry, adjourn and otherwise regulate the conduct of its inquiry as the members may think fit.

5 (13) The chairman of a Complaints Committee may at any time summon a meeting of the Complaints Committee.

(14) All members of a Complaints Committee present at any meeting thereof shall vote on any question arising at the meeting and such question shall be determined by a majority of votes and, in the case of an equality of votes, the chairman shall have a casting vote.

10 (15) A member of a Complaints Committee shall, notwithstanding that he has ceased to be a member of the Complaints Panel on the expiry of his term of office, be deemed to be a member of the Complaints Panel until such time as the Complaints Committee has completed its work.

15 (16) Any person who makes a complaint under this section which he knows to be false in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Inquiry by Complaints Committee

20 **40.**—(1) A Complaints Committee shall inquire into any complaint or information, or any information or evidence referred to in subsection (9), and complete its preliminary inquiry not later than 3 months from —

(a) the date the complaint or information is laid before the Complaints Committee; or

(b) the date the information or evidence referred to in subsection (9) is received by the Complaints Committee,

25 as the case may be.

30 (2) Where a Complaints Committee is of the opinion that it will not be able to complete its preliminary inquiry within the period specified in subsection (1) due to the complexity of the matter or serious difficulties encountered by the Complaints Committee in conducting its preliminary inquiry, the Complaints Committee may apply in writing to the chairman of the Complaints Panel for an extension of time to complete its inquiry and the chairman may grant such extension of time to the Complaints Committee as he thinks fit.

(3) For the purposes of any inquiry, a Complaints Committee may —

(a) call upon or appoint any person it considers necessary to assist it in its investigations and deliberations;

5 (b) require the production of any book, document, paper or other record which may be related to or be connected with the subject-matter of the inquiry for inspection by the Complaints Committee or the person appointed under paragraph (a) and for making copies thereof; and

10 (c) require the registered pharmacist concerned to give all information in relation to any such book, document, paper or other record which may be reasonably required by the Complaints Committee or by the person so appointed.

(4) Any registered pharmacist or any other person who, without lawful excuse —

15 (a) refuses or fails to produce to a Complaints Committee or to any person to whom the Complaints Committee may appoint for the purpose of the inquiry any book, document, paper or other record referred to in subsection (3); or

(b) fails to give any such information relating thereto,

20 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

25 (5) All such information, including such book, document, paper or other record used by the Complaints Committee in the course of its deliberations, shall be confidential and shall not be disclosed to any person including the registered pharmacist unless the Complaints Committee in its discretion thinks otherwise.

30 (6) The Complaints Committee may, at any time before it makes its findings, seek such legal advice as it thinks necessary.

(7) Where a Complaints Committee is of the opinion that a registered pharmacist should be called upon to answer any allegation made against him, the Complaints Committee shall serve on him —

(a) copies of any complaint and any statutory declaration or affidavit that has been made in support of the complaint; or

(b) any information and any statutory declaration or any affidavit that has been made in support of the information,

5 and a notice inviting the registered pharmacist, within such period (not being less than 21 days) as may be specified in the notice, to give to the Complaints Committee any written explanation he may wish to offer.

(8) The registered pharmacist concerned shall not have the right to be heard by the Complaints Committee, whether in person or by counsel, unless the Complaints Committee in its absolute discretion otherwise allows.

(9) Where, in the course of its inquiry, a Complaints Committee receives information touching on or evidence of the conduct or physical or mental fitness of the registered pharmacist concerned which may give rise to proceedings under this Part, the Complaints Committee may, after giving notice to him, decide on its own motion to inquire into that matter.

(10) Where the complainant withdraws his complaint before —

(a) the Council has referred the complaint to a Complaints Committee or the Health Committee under this Part; or

20 (b) the conclusion of the inquiry by a Complaints Committee, Disciplinary Committee or the Health Committee,

the Council may, notwithstanding such withdrawal —

(i) refer the complaint to a Complaints Committee or the Health Committee; or

25 (ii) direct a Complaints Committee, Disciplinary Committee or the Health Committee to continue the inquiry and the Complaints Committee, the Disciplinary Committee or the Health Committee, as the case may be, shall comply with the direction and all future proceedings thereon shall be taken as if the complaint had been made by the Council.

30 (11) Any member of the Council who is employed in the Ministry of Health shall not be disqualified from being a member of a Complaints Committee, Disciplinary Committee or the Health Committee by reason only that he or the complainant is so employed.

Findings of Complaints Committee

41.—(1) Upon due inquiry into the complaint or information, or any information or evidence referred to in section 40(9), a Complaints Committee shall —

- 5 (a) if it is of the view that no formal inquiry is necessary —
- (i) order that the registered pharmacist be issued with a letter of advice;
 - (ii) order that the registered pharmacist be warned;
 - (iii) order that the complaint or matter be dismissed; or
 - 10 (iv) make such other order as it thinks fit; or
- (b) if it is of the view that a formal inquiry is necessary —
- (i) order that an inquiry be held by the Health Committee; or
 - (ii) order that an inquiry be held by a Disciplinary Committee.

15 (2) Where a Complaints Committee determines that a formal inquiry is necessary, it shall order that the inquiry be held by the Health Committee if the complaint, information or evidence touches upon the physical or mental fitness of the registered pharmacist to practise.

20 (3) Where a Complaints Committee has made an order for a formal inquiry to be held by a Disciplinary Committee, the Council shall immediately appoint a Disciplinary Committee which shall hear and investigate the complaint or matter.

(4) Where a Complaints Committee has ordered that a letter of advice be issued, the chairman of the Complaints Committee shall issue a letter of advice in such terms as it thinks fit.

25 (5) A Complaints Committee shall notify the registered pharmacist concerned and the person who made the complaint or gave the information under section 39(1) of its decision under subsection (1) and, if it makes an order under subsection (1)(a), the reason for making the order.

30 (6) Any registered pharmacist who is aggrieved by any order of a Complaints Committee under subsection (1)(a) may, within 30 days of being notified of the determination of the Complaints Committee, appeal to the Minister whose decision shall be final.

(7) Where the person who has made the complaint or given the information to the Council is dissatisfied with any order of a Complaints

Committee under subsection (1)(a), he may, within 30 days of being notified of the determination of the Complaints Committee, appeal to the Minister whose decision shall be final.

(8) The Minister may make —

- 5 (a) an order affirming the determination of a Complaints Committee;
- (b) an order directing the Council to immediately appoint a Disciplinary Committee to hear and investigate the complaint or matter;
- 10 (c) an order directing that an inquiry into the matter be held by the Health Committee; or
- (d) such other order as he thinks fit.

(9) Every Complaints Committee shall immediately report to the Council its findings and the order or orders made.

Disciplinary Committee

15 **42.**—(1) The Council may from time to time appoint, from among members of the Complaints Panel, one or more committees comprising —

- (a) not less than 3 registered pharmacists of at least 10 years' standing of whom at least 2 shall be members of the Council; and
- (b) one observer who is a lay person,

20 each to be known as a Disciplinary Committee to inquire into —

- (i) any matter in respect of which the Minister or a Complaints Committee has under section 41 ordered that a formal inquiry be held; or
- (ii) any matter referred to it under section 39(4).

25 (2) A member of a Complaints Committee inquiring into any matter concerning a registered pharmacist shall not be a member of a Disciplinary Committee inquiring into the same matter.

30 (3) The member of a Disciplinary Committee who is an observer shall not vote on any question or matter to be decided by the Disciplinary Committee and need not be present at every meeting of the Disciplinary Committee.

(4) A Disciplinary Committee may be appointed in connection with one or more matters or for a fixed period of time as the Council thinks fit.

(5) The Council may at any time —

- (a) revoke the appointment of any Disciplinary Committee;
- (b) remove any member of a Disciplinary Committee; or
- (c) fill any vacancy in a Disciplinary Committee.

5 (6) No act done by or under the authority of a Disciplinary Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.

(7) Except as provided by subsection (3) —

- 10 (a) all members of a Disciplinary Committee shall be personally present to constitute a quorum for the transaction of any business; and
- (b) all members of a Disciplinary Committee present at any meeting thereof shall vote on any question arising at the meeting and such
15 question shall be determined by a majority of votes and, in the case of an equality of votes, the chairman shall have a casting vote.

(8) The Council shall appoint a member of a Disciplinary Committee who is a registered pharmacist to be the chairman of the Disciplinary
20 Committee.

Proceedings of Disciplinary Committee

43.—(1) A Disciplinary Committee shall meet from time to time to inquire into any matter referred to it by the Council and may regulate its own procedure.

25 (2) A member of a Disciplinary Committee shall, notwithstanding that he has ceased to be a member of the Council or Complaints Panel on the expiry of his term of office, continue to be a member of the Disciplinary Committee until such time the Disciplinary Committee has completed its work.

30 (3) The registered pharmacist may appear in person or be represented by counsel.

(4) A Disciplinary Committee shall not be bound to act in any formal manner and shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other written law relating to evidence but may inform itself on any matter in such manner as it thinks fit.

5 (5) A Disciplinary Committee may, for the purpose of any proceedings before it, administer oaths and any party to the proceedings may sue out subpoenas to testify and to produce documents.

(6) The subpoenas referred to in subsection (5) shall be served and may be enforced as if they were subpoenas issued in connection with a civil
10 action in the High Court.

(7) Any person giving evidence before a Disciplinary Committee shall be legally bound to tell the truth.

(8) Witnesses shall have the same privileges and immunities in relation to hearings before a Disciplinary Committee as if they were proceedings
15 in a court of law.

(9) A Disciplinary Committee shall carry out its work expeditiously and may apply to the Council for an extension of time and for directions to be given to the Disciplinary Committee if the Disciplinary Committee fails to make its finding and order within 6 months from the date of its
20 appointment.

(10) When an application for extension of time has been made under subsection (9), the Council may grant an extension of time for such period as it thinks fit.

(11) In sections 172, 173, 174, 175, 177, 179, 182 and 228 of the Penal
25 Code (Cap. 224), “public servant” shall be deemed to include a member of a Disciplinary Committee taking part in any investigation under this section, and in sections 193 and 228 of the Penal Code, “judicial proceeding” shall be deemed to include any such investigation.

Reference and transfer of cases to Health Committee

30 **44.**—(1) Where, in the course of inquiring into the case of a registered pharmacist, it appears to a Disciplinary Committee that his fitness to practise may be impaired by reason of his physical or mental condition, the Disciplinary Committee may refer that question to the Health Committee for determination.

(2) If, on a reference under this section, the Health Committee determines that the fitness of the registered pharmacist to practise is not impaired by reason of his condition, the Health Committee shall certify its opinion to the Disciplinary Committee.

5 (3) If, on a reference under this section, the Health Committee determines that the fitness of the registered pharmacist to practise is impaired by reason of his condition, the Health Committee shall —

- (a) certify its opinion to the Disciplinary Committee; and
- (b) proceed to dispose of the case,

10 and the Disciplinary Committee shall cease to exercise its function in relation to the case.

Findings of Disciplinary Committee

15 **45.**—(1) A Disciplinary Committee may exercise one or more of the powers referred to in subsection (2) where a registered pharmacist is found or judged by the Disciplinary Committee —

- (a) to have been convicted in Singapore or elsewhere of an offence under any of the written laws referred to in section 39(1)(b);
- (b) to have been convicted in Singapore or elsewhere of an offence involving fraud or dishonesty, or implying a defect in character which makes him unfit for his profession;
- 20 (c) to be guilty of such improper act or conduct which, in the opinion of the Council, brings disrepute to his profession;
- (d) to be guilty of professional misconduct;
- (e) to have contravened section 32(3) or 34(1).

25 (2) The powers that the Disciplinary Committee may exercise for the purposes of subsection (1) are as follows:

- (a) by order direct the Registrar to remove the name of the registered pharmacist from the appropriate register;
- (b) by order suspend the registration of the registered pharmacist in the appropriate register for a period of not less than 3 months but not more than 3 years;
- 30 (c) by order impose conditions as necessary to restrict the practice of the registered pharmacist in the manner that the Disciplinary

Committee considers appropriate for a period not exceeding 3 years;

- (d) by order impose on the registered pharmacist a penalty not exceeding \$50,000;
- 5 (e) by writing censure the registered pharmacist;
- (f) issue a letter of advice or warning to the registered pharmacist;
- (g) by order require the registered pharmacist to give an undertaking that the Disciplinary Committee considers appropriate to abstain from the conduct complained of in future; and
- 10 (h) make such other order as the Disciplinary Committee considers appropriate.

(3) In any proceedings instituted under this Part against a registered pharmacist consequent upon his conviction for a criminal offence, a Disciplinary Committee and the High Court on appeal from any order of the Disciplinary Committee shall accept his conviction as final and
15 conclusive.

(4) Where a registered pharmacist is not found or judged by the Disciplinary Committee to have been convicted or guilty of any matter referred to in subsection (1), the Disciplinary Committee shall dismiss the
20 complaint or matter.

(5) The Registrar shall serve on the registered pharmacist concerned and the person who made the complaint or gave the information, if any, a notice of the order made by the Disciplinary Committee.

(6) A Disciplinary Committee may under subsection (2) order the
25 registered pharmacist concerned to pay to the Council such sums as it thinks fit in respect of the costs and expenses of and incidental to any proceedings before the Disciplinary Committee and, where applicable, an Interim Orders Committee.

(7) The High Court shall have jurisdiction to tax such costs referred to
30 in subsection (6) and any such order for costs made shall be enforceable as if it were ordered in connection with a civil action in the High Court.

(8) The Disciplinary Committee in ordering that costs be paid by the
35 registered pharmacist under this section may certify that costs for more than one solicitor be paid if it is satisfied that the issues involved in the proceedings are of sufficient complexity, and the certification by the

Disciplinary Committee shall have the same effect as if it were a certification by a Judge in a civil action in the High Court.

(9) The costs and expenses referred to in subsection (6) shall include —

- 5 (a) the costs and expenses of any assessor and advocate and solicitor appointed by the Council for proceedings before the Disciplinary Committee and the Interim Orders Committee;
- (b) such reasonable expenses as the Council may pay to witnesses; and
- 10 (c) such reasonable expenses as are necessary for the conduct of proceedings before the Disciplinary Committee and the Interim Orders Committee.

Orders of Disciplinary Committee

15 **46.**—(1) Where a registered pharmacist in respect of whom an order is made under section 45(2)(c), or an order for interim restricted registration is made under section 54(1)(b) or 56(1)(d), is judged by a Disciplinary Committee (whether, in the case of an order under section 45(2)(c), it is the Disciplinary Committee that made the order or another Disciplinary Committee appointed in its place) to have failed to comply with any of the requirements imposed on him as conditions of his registration, the
20 Disciplinary Committee may, if it thinks fit, order —

- (a) that his name be removed from the appropriate register; or
- (b) that his registration in the appropriate register be suspended for such period not exceeding 12 months as may be specified in the order.

25 (2) Where a Disciplinary Committee has made an order for suspension under subsection (1)(b) or section 45(2)(b), the Disciplinary Committee may order that the registration of the person whose registration is suspended shall, as from the expiry of the current period of suspension, be restricted in such manner as it thinks fit for a period not exceeding
30 3 years.

(3) Where a Disciplinary Committee has made an order for suspension under subsection (1)(b) or section 45(2)(b) against a person and that person has failed to comply with that order, the Disciplinary Committee or another Disciplinary Committee appointed in its place may, if it thinks
35 fit, order —

- (a) that his name be removed from the appropriate register; or
- (b) that, from the expiry of the current period of suspension, his registration in the appropriate register be restricted in such manner as it thinks fit for a period not exceeding 3 years.

5 (4) Where a Disciplinary Committee has made an order under section 45(2)(c), the Disciplinary Committee or another Disciplinary Committee appointed in its place may revoke the order or revoke or vary any of the conditions imposed by the order.

10 (5) Subsection (1) shall apply to a registered pharmacist whose registration is subject to conditions imposed by an order made under subsection (2) or (3) as it applies to a registered pharmacist whose registration is subject to conditions imposed by an order for restricted registration made under section 45(2)(c), and subsection (4) shall apply accordingly.

15 (6) Where a Disciplinary Committee has made an order or has varied the conditions imposed by an order under this section, the Registrar shall immediately serve on the person to whom the order applies a notice of the order or the variation.

20 (7) Subject to subsection (8), an order made by a Disciplinary Committee for the removal of any name or for suspension of registration under subsection (1) or (3) or section 45(2) shall not take effect until the expiration of 30 days after the order is made.

25 (8) On making an order for the removal of any name or for suspension of registration under subsection (1) or (3) or section 45(2), a Disciplinary Committee, if satisfied that to do so is necessary for the protection of members of the public or would be in the best interests of the registered pharmacist concerned, may order that his registration in the appropriate register be suspended or that his name be removed from the appropriate register immediately.

30 (9) Where an order under subsection (8) is made, the Registrar shall immediately serve a notice of the order on the person to whom it applies and if that person was present or represented at the proceedings of the Disciplinary Committee, the order shall take effect from the time the order is made.

35 (10) Where the person concerned is neither present nor represented at the proceedings of the Disciplinary Committee, the order made under

subsection (8) shall take effect from the time of service of the notice of the order on him.

(11) An order of a Disciplinary Committee, other than an order for the removal of any name or for suspension of registration under subsection (1) or (3) or section 45(2), shall take effect from the time the order is made.

(12) While any order of suspension of registration remains in force, the person concerned shall not be regarded as being registered under this Act notwithstanding that his name still appears in the appropriate register, but immediately on the expiry of such order his rights and privileges as a registered pharmacist shall be revived as from the date of such expiry provided that the pharmacist has complied with all the terms of the order.

Appeal against order by Disciplinary Committee

47.—(1) Any person aggrieved by a decision of the Disciplinary Committee referred to in section 45(2) or (4) or 46 may, within 30 days after the service on him of the notice of the order, appeal to the High Court against the order.

(2) There shall be no appeal from the decision of the High Court.

(3) In any appeal to the High Court against a decision referred to in section 45(2) or (4) or 46, the High Court shall accept as final and conclusive any finding of the Disciplinary Committee relating to any issue of ethics or standards of professional conduct unless such finding is in the opinion of the High Court unsafe, unreasonable or contrary to the evidence.

(4) Notwithstanding anything in section 45 or 46, where a person has appealed to the High Court against an order referred to in section 45(2) or 46, the order shall not take effect unless the order is confirmed by the High Court or the appeal is for any reason dismissed by the High Court or withdrawn.

Restoration of names to appropriate register

48.—(1) Where the name of a pharmacist has been removed from an appropriate register pursuant to an order made by a Disciplinary Committee under section 45 or 46, the Council may, upon application by the pharmacist and subject to such conditions as it thinks fit, direct that his name be restored to the appropriate register.

(2) No application for the restoration of a name to an appropriate register under this section shall be made to the Council —

- (a) before the expiration of 3 years from the date of the removal of the name; or
- 5 (b) more than once in any period of 12 months by or on behalf of the pharmacist,

and unless the pharmacist has complied with all the terms of the order made against him.

Report of breach

- 10 **49.** Where any breach of any written law is disclosed to the Disciplinary Committee in the course of an inquiry, the Disciplinary Committee may, in its discretion, report the breach to the appropriate authorities.

Health Committee

- 15 **50.**—(1) There shall be a committee to be known as the Health Committee comprising not less than 3 members of the Council to be appointed by the Council which shall inquire into any case referred to it under this Act.

(2) A member of the Health Committee shall be appointed for a period of 2 years and shall be eligible for reappointment.

Unfitness to practise through illness, etc.

20 **51.**—(1) Where the Health Committee is satisfied that the fitness of the registered pharmacist to practise as a pharmacist is impaired by reason of his physical or mental condition, the Health Committee may exercise one or more of the following powers:

- 25 (a) order that he pays to the Council the costs and expenses of and incidental to the inquiry by the Health Committee and, where applicable, an Interim Orders Committee, including the costs and expenses of any medical examination incurred by the Council and of the medical assessor in respect of the inquiry;
- 30 (b) order that his registration as a pharmacist be suspended for such period not exceeding 12 months as may be specified in the order;
- (c) order that his registration as a pharmacist be conditional upon his compliance, during such period not exceeding 3 years as may be

specified in the order, with such requirements so specified as the Health Committee thinks fit to impose for the protection of members of the public or in his interests (referred to in this Part as restricted registration);

5 (d) recommend to the Council that his name be removed from the appropriate register.

(2) An order referred to in subsection (1)(a) shall be enforceable as if it were ordered in connection with a civil action in the High Court.

10 (3) Where a registered pharmacist in respect of whom an order for restricted registration is made under subsection (1)(c), or an order for interim restricted registration is made under section 54(1)(b) or 56(1)(d), is judged by the Health Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration, the Health Committee may, if it thinks fit, order that his registration in the
15 appropriate register be suspended for such period not exceeding 12 months as may be specified in the order.

20 (4) Where the Council accepts the recommendation of the Health Committee under subsection (1)(d), the Council shall by order direct that the name of the registered pharmacist be removed from the appropriate register and that order shall take effect from the date the order is made.

(5) Where the Health Committee has made an order for suspension under subsection (1) or (3), the Health Committee may order that the registration of the person whose registration is suspended shall, as from the expiry of the current period of suspension, be a restricted registration.

25 (6) Where the Health Committee has made an order for suspension under subsection (1) or (3) against a person and that person has failed to comply with that order, the Health Committee may, if it thinks fit —

(a) make a recommendation referred to in subsection (1)(d) to the Council, and subsection (4) shall apply accordingly; or

30 (b) order that, from the expiry of the current period of suspension, his registration in the appropriate register be restricted in such manner as it thinks fit for a period not exceeding 3 years.

35 (7) Where the Health Committee has made an order for restricted registration, the Health Committee may revoke the order or revoke or vary any of the conditions imposed by the order.

(8) Subsection (3) shall apply to a registered pharmacist whose registration is subject to conditions imposed by an order for restricted registration made under subsection (5) or (6) as it applies to a registered pharmacist whose registration is subject to conditions imposed by an order for restricted registration made under subsection (1)(c), and subsection (7) shall apply accordingly.

(9) Where the Health Committee has —

(a) made an order under this section for suspension or for restricted registration, including an order for extending a period of suspension or a period of restricted registration; or

(b) varied the conditions imposed by a direction for restricted registration,

the Registrar shall immediately serve on the person to whom the order applies a notice of the order or of the variation.

(10) While a person's registration in the appropriate register is suspended by virtue of this section, he shall be treated as not being registered in that register notwithstanding that his name still appears in it.

(11) Sections 42(5), (6) and (7) and 43 shall apply, with the necessary modifications, to the Health Committee and references to a Disciplinary Committee shall be read as references to the Health Committee.

(12) Any person who is aggrieved by any order or any variation of the conditions imposed by an order for restricted registration made by the Health Committee under this section may, within 30 days of the service on him of the notification of the order, appeal to the Minister whose decision shall be final.

(13) Any order or any variation of the conditions imposed by an order for restricted registration made by the Health Committee shall take effect from the time the order or variation is made unless the Minister decides otherwise.

Restoration of names removed on recommendation of Health Committee

52.—(1) Where the name of a person has been removed from an appropriate register on the recommendation of the Health Committee under section 51, the Council may, upon application by the person, if it thinks fit, direct that his name be restored to the appropriate register.

(2) No application under subsection (1) shall be made to the Council more than once in any period of 12 months by or on behalf of the pharmacist.

5 (3) No application under subsection (1) shall be made to the Council by or on behalf of the pharmacist unless the pharmacist has complied with all the terms of the order made against him.

Interim Orders Committee

10 **53.**—(1) The Council may, from time to time, appoint one or more committees comprising 3 of its members, each to be known for the purposes of this Act as an Interim Orders Committee, to inquire into any matter referred by the Council under subsection (3).

(2) An Interim Orders Committee may be appointed in connection with one or more matters or for a fixed period of time.

15 (3) The chairman of the Complaints Panel, a Complaints Committee, a Disciplinary Committee or the Health Committee may refer any complaint or information to the Council for the purpose of determining if an order should be made under section 54; and the Council shall refer the complaint or information to an Interim Orders Committee for this purpose.

20 (4) A member of a Complaints Committee or Disciplinary Committee inquiring into any matter shall not be a member of an Interim Orders Committee inquiring into or reviewing that matter.

25 (5) A member of an Interim Orders Committee inquiring into or reviewing any matter shall not be a member of a Complaints Committee or Disciplinary Committee inquiring into that matter, or take part in any deliberation of the Council under section 51(4) in respect of that matter.

(6) Neither the chairman of the Complaints Panel nor any member of the Health Committee shall be a member of an Interim Orders Committee.

30 (7) All members of an Interim Orders Committee shall vote on any question arising at a meeting of the Interim Orders Committee and such question shall be determined by a majority of votes.

35 (8) A member of an Interim Orders Committee which has commenced any inquiry or review of any case shall, notwithstanding that he has ceased to be a member of the Council, continue to be a member of the Interim Orders Committee until the completion of that inquiry or review.

(9) Sections 42(5), (6) and (7) and 43(1), (4) to (8) and (11) shall apply, with the necessary modifications, to an Interim Orders Committee and to proceedings before it as they apply to a Disciplinary Committee and to proceedings before a Disciplinary Committee.

5 **Interim orders**

10 **54.**—(1) Where, upon due inquiry into any complaint or information referred to it, an Interim Orders Committee is satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of a registered pharmacist, for his registration to be suspended or to be made subject to conditions, the Interim Orders Committee may make an order —

- (a) that his registration in the appropriate register be suspended for such period not exceeding 18 months as may be specified in the order (referred to in this Part as an interim suspension order); or
- 15 (b) that his registration be conditional on his compliance, during such period not exceeding 18 months as may be specified in the order, with such requirements so specified as the Interim Orders Committee thinks fit to impose (referred to in this Part as an order for interim restricted registration).

20 (2) The Registrar shall immediately serve a notification of the order under subsection (1) on the registered pharmacist.

Review of interim orders

25 **55.**—(1) Subject to subsection (2), where an Interim Orders Committee has made an order under section 54, the Interim Orders Committee or another Interim Orders Committee appointed in its place —

- (a) shall review it within the period of 6 months beginning on the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it before the end of the period of 3 months beginning on the date of the decision of the immediately preceding review; and
- 30 (b) may review it where new evidence relevant to the order has become available after the making of the order.

(2) Where the High Court has extended the order under section 58(2) or an Interim Orders Committee has made a replacement order under

section 56(1)(c) or (d), the first review after such extension or making of the replacement order shall take place —

- 5 (a) if the order (or the order which has been replaced) had not been reviewed under subsection (1), within the period of 6 months beginning on the date on which the High Court ordered the extension or on which the replacement order was made, as the case may be; or
- 10 (b) if it had been reviewed under subsection (1), within the period of 3 months beginning on the date on which the High Court ordered the extension or on which the replacement order was made.

Interim Orders Committee may revoke, vary or replace interim order

15 **56.**—(1) Where an interim suspension order or an order for interim restricted registration has been made under this section or section 54 in relation to any person, the Interim Orders Committee that made the order or another Interim Orders Committee appointed in its place may, either upon its review referred to in section 55 or upon the recommendation of a Complaints Committee, a Disciplinary Committee or the Health Committee —

- 20 (a) revoke the order or revoke any condition imposed by the order;
- (b) make an order varying any condition imposed by the order;
- 25 (c) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the registered pharmacist concerned, or that the registered pharmacist has not complied with any requirement imposed as a condition of his registration in the order for interim restricted registration, replace that order with an interim suspension order having effect for the remainder of the period of the former; or
- 30 (d) if satisfied that the public interest or the interests of the registered pharmacist concerned would be more adequately served by an order for interim restricted registration, replace the interim suspension order with an order for interim restricted registration having effect for the remainder of the period of the former.
- 35 (2) The Registrar shall immediately serve a notification of the decision under subsection (1) on the registered pharmacist.

Right of hearing

5 **57.**—(1) No order under section 54 or 56(1)(*b*), (*c*) or (*d*) shall be made by an Interim Orders Committee in respect of any registered pharmacist unless he has been afforded an opportunity of appearing before the Interim Orders Committee and being heard on the question whether such an order should be made in his case.

(2) For the purposes of subsection (1), the registered pharmacist may be represented before the Interim Orders Committee by counsel.

10 (3) Regulations made for the purposes of an Interim Orders Committee may include provision securing that the registered pharmacist in respect of whom an interim suspension order or an order for interim restricted registration has been made shall, if he so requires, be entitled to be heard by the Interim Orders Committee on each occasion on which it reviews the order, and be represented by counsel during such review.

Application to High Court

15 **58.**—(1) The Council may apply to the High Court for an order made under section 54 or 56(1)(*c*) or (*d*) to be extended, and may apply again for further extensions.

20 (2) On such an application, the High Court may extend (or further extend) for up to 12 months the period for which the order has effect.

(3) The High Court may, on application by the registered pharmacist concerned —

(*a*) in the case of an interim suspension order, revoke the order;

25 (*b*) in the case of an order for interim restricted registration, revoke the order or vary any condition imposed by the order; and

(*c*) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when it was made (or in the order extending it).

Duration of interim orders

30 **59.**—(1) An interim suspension order or an order for interim restricted registration shall be in force until —

(*a*) the end of the period specified in the order or, if extended under section 58(2), in the order extending it; or

(b) the date on which proceedings are concluded,
whichever is the earlier.

(2) For the purposes of subsection (1)(b), proceedings are concluded if —

- 5 (a) the Complaints Committee inquiring into the complaint or information has made an order under section 41(1)(a) and —
- (i) no appeal to the Minister under section 41(6) or (7) was made against that decision within the period specified in that section or such an appeal was withdrawn; or
 - 10 (ii) the Minister made an order under section 41(8)(a) or (c);
- (b) the Disciplinary Committee inquiring into the complaint or information has made an order under section 45(2) which has taken effect, or has dismissed the complaint or matter under section 45(4); or
- 15 (c) the Health Committee has made an order under section 51(1) which has taken effect, the Council has made an order under section 51(4) which has taken effect, or the Health Committee has dismissed the complaint or matter,

as the case may be.

20 **Person suspended under interim suspension order not regarded as registered**

25 **60.**—(1) While a person's registration in the appropriate register is suspended by virtue of an interim suspension order, he shall not be regarded as being registered notwithstanding that his name still appears in that register.

(2) Immediately upon the expiry or revocation of the order, the person's rights and privileges as a registered pharmacist shall be revived from the date of such expiry or revocation, provided that he has complied with all the terms of the order.

30 (3) For the avoidance of doubt, the provisions of this Part shall, where relevant, continue to apply to a person whose registration in the appropriate register is suspended by virtue of an interim suspension order.

Council may appoint legal counsel

5 **61.** For the purposes of an inquiry under this Part by a Disciplinary Committee, the Health Committee or an Interim Orders Committee, the Council may appoint an advocate and solicitor and pay him, as part of the expenses of the Council, such remuneration as the Council may determine.

Recovery of penalties and costs

10 **62.** Any financial penalty and costs payable by any person under this Part shall be recoverable by the Council as a debt due to the Council from that person and the person's liability to pay shall not be affected by his ceasing to be registered with the Council.

PART VII

MISCELLANEOUS

Application of funds of Council

15 **63.**—(1) All fees, penalties and other moneys payable under this Act shall be paid to the Council and any fee, penalty or other moneys not paid shall be recoverable by the Council as a debt due to the Council.

(2) All moneys received by the Council or the Registrar shall be paid into the funds of the Council.

20 (3) The costs and expenses of and incidental to the performance of the function of the Council and any committee appointed by the Council under this Act shall be paid by the Council out of its funds.

(4) The Minister may pay into the funds of the Council such sum of money out of moneys to be provided by Parliament as the Minister may determine.

(5) The Council shall keep full and proper accounts of all moneys received and expended by it and the accounts shall be audited by an auditor or auditors approved by the Minister.

Fees payable to members of Council and members of committees

30 **64.** There shall be paid to —

(a) the members of the Council; and

(b) the members of any committee appointed by the Council, who are not public officers such fees as may, from time to time, be approved by the Minister.

Inspectors

5 **65.**—(1) The Council may appoint one or more public officers or officers of the Council as inspectors to investigate the commission of an offence under this Act.

(2) In any case relating to the commission of an offence under this Act, an inspector shall have the power to do all or any of the following:

10 (a) to require any person whom the inspector has reason to believe has any article, document or information relevant to the carrying out of the provisions of this Act to produce that article or document, or give that information, and to retain that article or document, or make copies of that document;

15 (b) to examine orally any person supposed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act and to reduce into writing the answer given or statement made by that person, who shall be bound to state truly the facts and circumstances with which he is acquainted, and the statement made by that person shall be read
20 over to him and shall, after correction, be signed by him;

(c) to require by order in writing the attendance before him of any person who, from information given or otherwise, appears to be acquainted with facts and circumstances relevant to the carrying
25 out of the provisions of this Act.

(3) An inspector may apply to a Magistrate for a search warrant if the inspector has reasonable cause to believe that evidence of the commission of an offence under this Act can be found therein; and the Magistrate may, if satisfied that there are reasonable grounds for doing so, issue the
30 warrant.

(4) Any inspector authorised by a search warrant issued under subsection (3) may enter and search the premises referred to in the warrant and seize any thing found on the premises which he reasonably believes is evidence of the commission of an offence under this Act.

(5) Any person who —

- (a) intentionally offers any resistance to or wilfully delays an inspector in the exercise of any power under subsection (2) or in pursuance of a search warrant issued under subsection (3); or
- 5 (b) fails to comply with any requirement or order of an inspector under subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

10 **Assessors to Council**

66.—(1) For the purposes of advising the Council and any committee appointed by the Council, the Council may appoint a legal assessor who shall be an advocate and solicitor of not less than 10 years' standing.

15 (2) The legal assessor shall not participate or sit in any deliberation of the Council or any committee appointed by the Council unless invited to do so, and his participation shall be limited only to questions of law arising from the proceedings.

20 (3) The Council may appoint a medical assessor to assist the Council and any committee appointed by the Council in proceedings before any of them under the provisions of this Act.

(4) The Council may pay to the legal assessor and medical assessor, as part of the expenses of the Council, such remuneration as the Council may determine.

Protection against liability

25 **67.** No action shall lie against the Council, any committee or inspector appointed by the Council, or any member or employee of the Council or committee, for any act or thing done under this Act in respect of any matter or thing done in good faith for the purposes of carrying out the provisions of this Act.

30 **Jurisdiction of court**

68. Notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Composition of offences

5 **69.**—(1) The Council may, in its discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$2,000,

whichever is the lower.

10 (2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Council may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

15 (4) All sums collected under this section shall be paid into the funds of the Council.

Exemption in respect of pharmacy training

70. Nothing in this Act shall prevent the doing of any act within the practice of pharmacy by any person if the act is carried out —

- (a) in the course of his training;
- 20 (b) under the supervision of a pharmacist registered under section 16(1); and
- (c) in an establishment approved by the Council for the purpose of section 16(1)(b) or 17(3)(a).

General exemption

25 **71.** The Minister may, after consultation with the Council, by order published in the *Gazette* and subject to such conditions as he may impose, exempt any person or class of persons from all or any of the provisions of this Act.

Service of documents

30 **72.**—(1) Any notice, order or document required or authorised by this Act to be served on any person may be served on the person —

- (a) by delivering it to the person or to some adult member or employee of his family or household at his last known place of residence;
- 5 (b) by leaving it at his usual or last known place of residence or place of business in an envelope addressed to the person;
- (c) by sending it by registered post addressed to the person at his usual or last known place of residence or place of business; or
- (d) in the case of an incorporated company, a partnership or a body of persons —
- 10 (i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or
- (ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or
- 15 principal place of business.

(2) Any notice, order or document sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order or document, as the case may be, would in the ordinary course of post be delivered and, in proving

20 service of the notice, order or document, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

(3) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises may be served by

25 delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order or document to some conspicuous part of the premises.

(4) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be

30 properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

Amendment of First Schedule

35 **73.** The Minister may, after consultation with the Council, by order published in the *Gazette*, amend the First Schedule.

Regulations

74.—(1) Subject to the provisions of this Act, the Council may, with the approval of the Minister, make such regulations as may be necessary or expedient to give effect to the provisions and purposes of this Act and the due administration thereof.

(2) Without prejudice to the generality of subsection (1), such regulations may be made to —

- (a) provide for the duties of the Registrar;
- (b) regulate the registration of pharmacists and specialists;
- (c) regulate the certification of specialists;
- (d) provide for the form of the appropriate register and the mode in which it shall be kept;
- (e) regulate the grant and renewal of practising certificates;
- (f) regulate the procedure of a Complaints Committee, a Disciplinary Committee, the Health Committee, and Interim Orders Committee or any committee appointed by the Council under this Act and the conduct of proceedings of such committee;
- (g) regulate the professional practice, etiquette, conduct and discipline of registered pharmacists and specialists;
- (h) regulate the removal and restoration of names in an appropriate register;
- (i) prescribe the forms necessary for the administration of this Act;
- (j) prescribe the fees and other charges for the purpose of this Act;
- (k) provide for the duties, functions and payment of the legal assessor and medical assessor appointed under section 66;
- (l) provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (m) prescribe such other matters as are necessary or expedient for carrying out the provisions of this Act.

Repeal

75. The Pharmacists Registration Act (Cap. 230) is repealed.

Consequential amendments to other written laws

76. The provisions of the Acts specified in the first column of the
5 Second Schedule are amended in the manner set out in the second column
thereof.

Savings and transitional provisions

77.—(1) Any person who, immediately before the appointed day, is a
10 member of the Pharmacy Board under the repealed Act shall, as from that
day, continue office as if appointed as a member of the Council in
accordance with the provisions of this Act, and his appointment shall
expire on the date his appointment would have expired if this Act had not
been enacted.

(2) Every person who is registered under the repealed Act immediately
15 before the appointed day shall, as from that day, be deemed to be a
registered pharmacist under this Act and the Registrar shall transfer to the
Register of Pharmacists the names, addresses, qualifications and other
particulars of such persons which appear, immediately before the
appointed day, in the register kept under section 5 of the repealed Act.

(3) The Registrar may, in carrying out the transfer under subsection (2),
20 omit the particulars of any person known to the Registrar to be deceased.

(4) For the avoidance of doubt, sections 26, 48 and 52 of this Act shall
also apply to any person whose name was removed from the register kept
under the repealed Act.

(5) Any certificate of registration issued under section 8(7) of the
25 repealed Act shall, if still in force immediately before the appointed day,
be deemed as from that day to be a certificate of registration issued under
section 22 of the Act and be subject to the provisions of this Act.

(6) Any annual certificate issued under the repealed Act which is in
30 force immediately before the appointed day shall, as from that day —

(a) be deemed to be a practising certificate issued under this Act;

(b) be subject to the provisions of this Act that are applicable to
practising certificates; and

(c) expire on the date on which it would have expired had this Act not been in force and be renewable in accordance with section 23 of this Act.

(7) This Act shall not affect —

5 (a) any disciplinary proceeding, inquiry or investigation commenced or pending under the repealed Act before the appointed day, and every such proceeding may be continued and everything in relation thereto may be done in all respects after that day as if this Act had not been enacted;

10 (b) the continued operation or force of any finding or order following every such proceeding made under the repealed Act before the appointed day; and

15 (c) any right of appeal accrued before the appointed day in respect of any such finding or order, and where the appeal has been made under the repealed Act but has not been dealt with or disposed of immediately before that day, the appeal may be dealt with as if this Act had not been enacted.

20 (8) Any written law or document referring to the repealed Act shall, as far as may be necessary for preserving its effect, be construed as referring or as including a reference to this Act.

(9) Any reference in any written law or document to the Pharmacy Board shall be read as a reference to the Singapore Pharmacy Council.

25 (10) Any subsidiary legislation made under the repealed Act and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed.

30 (11) For a period of 2 years after the appointed day, the Minister may, by regulations, prescribe such other transitional, incidental and consequential matters arising from the repeal of the repealed Act, as he may consider necessary or expedient.

(12) In this section —

“appointed day” means the date of commencement of this Act;

“Pharmacy Board” means the Pharmacy Board established under section 3 of the repealed Act.

FIRST SCHEDULE

Sections 2 and 73

ACTS OR ACTIVITIES CONSTITUTING
“THE PRACTICE OF PHARMACY”

- 5 Applying the knowledge and science of pharmacy in —
- (a) interpreting, evaluating and implementing prescriptions of persons authorised by law to prescribe medication;
 - (b) compounding, labelling, dispensing, distributing and administering medication;
 - 10 (c) initiating and modifying medication therapy in accordance with the collaborative practice agreements established and approved by health care facilities or voluntary agreements with persons authorised by law to prescribe medication;
 - (d) patient assessment and counselling for the purpose of recommending and dispensing medication;
 - 15 (e) managing medication therapy;
 - (f) evaluating medication use;
 - (g) manufacturing and distributing medicinal products; and
 - (h) quality assurance of medicinal products.

SECOND SCHEDULE

Section 76

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS

*First column**Second column*

- | | |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Customs Act
(Chapter 70, 2004 Ed.) | |
| (a) Section 68 | (i) Delete the words “Pharmacists Registration Act (Cap. 230)” in paragraph (a) and substitute the words “Pharmacists Registration Act 2007 and has in force a valid practising certificate issued under that Act”. |

*First column**Second column*

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|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(b) Section 71(3)</p> | <p>(ii) Delete the words “Pharmacists Registration Act” in paragraph (b) and substitute the words “Pharmacists Registration Act 2007 and has in force a valid practising certificate issued under that Act”.</p> <p>Delete the words “Pharmacists Registration Act (Cap. 230)” and substitute the words “Pharmacists Registration Act 2007 and has in force a valid practising certificate issued under that Act”.</p> |
| <p>(2) Medicines Act
(Chapter 176, 1985 Ed.)</p> <p>(a) Section 2(1)</p> | <p>Delete the definition of “pharmacist” and substitute the following definition:</p> <p>““pharmacist” means a person who is registered as a pharmacist under the Pharmacists Registration Act 2007 and has in force a valid practising certificate issued under that Act;”.</p> |
| <p>(b) Section 41(2)</p> | <p>(i) Delete the words “Pharmacists Registration Act” and substitute the words “Pharmacists Registration Act 2007”.</p> <p>(ii) Delete the marginal reference “(Cap. 230)”.</p> |

<i>First column</i>	<i>Second column</i>
<p>(3) Poisons Act (Chapter 234, 1999 Ed.)</p> <p>(a) Section 2</p> <p>(b) Section 20(1)</p>	<p>Delete the definition of “pharmacist” and substitute the following definition:</p> <p style="padding-left: 40px;">““pharmacist” means a person who is registered as a pharmacist under the Pharmacists Registration Act 2007 and has in force a valid practising certificate issued under that Act;”.</p> <p>Delete the word “registered” in paragraph (i).</p>
<p>(4) Private Hospitals and Medical Clinics Act (Chapter 248, 1999 Ed.)</p> <p>Section 13(2)</p>	<p>Delete paragraph (b) and substitute the following paragraph:</p> <p style="padding-left: 40px;">“(b) for the purpose of making a complaint or providing information under Part V of the Dental Registration Act (Cap. 76), Part VII of the Medical Registration Act (Cap. 174) or Part VI of the Pharmacists Registration Act 2007; or”.</p>
<p>(5) Statutory Corporations (Contributions to Consolidation Fund) Act (Chapter 319A, 2004 Ed.)</p> <p>The Schedule</p>	<p>Delete item 28 and substitute the following item:</p> <p style="padding-left: 40px;">“28. Singapore Pharmacy Council Pharmacists Registration Act 2007”.</p>

EXPLANATORY STATEMENT

This Bill seeks to repeal and re-enact the Pharmacists Registration Act (Cap. 230) (the repealed Act) with the following changes:

- (a) to establish a new statutory body known as the Singapore Pharmacy Council (the Council);
- (b) to provide for a comprehensive framework for the registration of pharmacists and specialists;
- (c) to provide for the establishment of the Specialists Accreditation Board to deal with matters affecting or connected with the registration of specialists under the Bill;
- (d) to establish the framework for disciplinary proceedings and inquiries against pharmacists which is in line with that in the Medical Registration Act (Cap. 174); and
- (e) to empower the Council to prescribe compoundable offences and to compound offences.

The Bill also makes consequential amendments to certain other written laws.

PART I

PRELIMINARY

Part I contains the preliminary provisions of the Bill.

Clause 1 relates to the short title and commencement.

Clause 2 sets out various definitions of terms used in the Bill.

PART II

SINGAPORE PHARMACY COUNCIL

Part II relates to the establishment and administration of the Council. The Part also sets out the functions and powers of the Council.

Clause 3 relates to the establishment and incorporation of the Council.

Clause 4 provides for the constitution of the Council. The clause also provides that each Council member will hold office for a term of 3 years and that the Minister may revoke the appointment of any appointed Council member at any time.

Clause 5 sets out the functions of the Council.

Clause 6 provides for the appointment of the President of the Council by the Minister. The President or a representative elected by the Council members during the temporary absence of the President will preside at meetings of the Council.

Clause 7 sets out in detail persons who are disqualified from being members of the Council.

Clause 8 sets out the circumstances under which a Council member is to vacate his office. The clause also empowers the Minister to remove a member from office and for the Minister to appoint a person to fill any vacancy among the Council members.

Clause 9 deals with the meetings and proceedings of the Council.

Clause 10 provides for the appointment of an executive secretary and such other employees as the Council thinks necessary.

Clause 11 provides for the appointment of committees and the delegation of powers by the Council.

Clause 12 provides that a member of the Council must disclose his interest in a matter which is the subject of consideration by the Council.

Clause 13 deems every member and officer of the Council and inspector appointed under clause 65 to be public servants within the meaning of the Penal Code (Cap. 224).

PART III

REGISTRATION OF PHARMACISTS

Part III sets out the framework for the registration of pharmacists and specialists.

Clause 14 provides that the Chief Pharmacist will be the Registrar of the Council (the Registrar) and empowers the Minister to appoint another person to act as Registrar in the event that the Registrar is absent from Singapore or otherwise incapacitated.

Clause 15 provides for the following 3 registers to be kept and maintained by the Registrar:

- (a) the Register of Pharmacists;
- (b) the Register of Specialists; and
- (c) the Register of Temporarily Registered Pharmacists.

Clause 16 sets out in detail the qualifications and practical experience required for registration as fully registered pharmacists. The clause also provides that the Council may direct that a person be registered as a pharmacist with conditional registration under certain circumstances despite meeting the qualifications set out and satisfying the requirement for practical experience.

Clause 17 sets out in detail the qualifications required to register as a pharmacist with conditional registration. The clause also provides for circumstances under which the Council may cancel the conditional registration of a pharmacist and under which a pharmacist with conditional registration may apply to be fully registered.

Clause 18 sets out the requirements for registration as a specialist.

Clause 19 allows certain persons with special skills to be registered temporarily as pharmacists provided that they continue to engage themselves exclusively in teaching, research or postgraduate study in pharmacy or in such capacity as may be specified by the Council. This group of pharmacists may subsequently be considered for registration as pharmacists with conditional registration.

Clause 20 deals with the entry of qualifications in the appropriate registers.

Clause 21 sets out the procedure for any application for registration and provides for circumstances under which the Council may refuse to register an applicant. Where the Council decides not to register an applicant, it must inform the applicant accordingly and the applicant may appeal to the Minister against the decision of the Council.

Clause 22 provides that a person registered as a pharmacist is to be issued a certificate of registration by the Council.

Clause 23 provides for the grant of a practising certificate by the Council to a registered pharmacist.

Clause 24 empowers the Registrar to make alterations in the appropriate registers, for example, to remove the name of any person who is deceased.

Clause 25 empowers the Council to remove the name of a registered pharmacist under certain circumstances.

Clause 26 enables the Council, upon application by a person, to restore to an appropriate register the name of a pharmacist which has been removed on certain grounds in clauses 24 and 25 or to re-register him as a pharmacist in the Register of Temporarily Registered Pharmacists.

Clause 27 provides that a certificate under the hand of the Registrar in respect of various specified matters will, in the absence of evidence to the contrary, be proof of those matters.

PART IV

PRACTICE OF PHARMACY

Part IV contains offence-creating provisions in relation to the practice of pharmacy by unauthorised persons, the false assumption of the title of specialist and the fraudulent registration by any person as a pharmacist.

Clause 28 deals with the offence of acting as a pharmacist by any unauthorised person. However, it is a defence if the defendant proves that he did not in any way represent himself as a duly qualified or registered pharmacist in his practice of pharmacy.

Clause 29 makes the employer, partner or principal of a person practising pharmacy in contravention of clause 28 guilty of an offence unless the defendant is able to prove that the offence under clause 28 was committed without his knowledge and he had taken all reasonable steps and exercised due diligence to prevent the commission of that offence.

Clause 30 sets out certain circumstances under which a registered pharmacist may be subject to criminal liability in respect of an unauthorised person who practises pharmacy in contravention of clause 28 unless the defendant is able to prove that —

- (a) the offence under clause 28 was committed due to a mistake on his part or to reliance on information supplied to him or to the act of another person or a cause beyond his control; and
- (b) he had taken all reasonable steps and exercised due diligence to prevent the commission of that offence.

Clause 31 prohibits a person suspended under the provisions of the Bill from practising pharmacy during the period of suspension.

Clause 32 makes it an offence for any person who is not a registered specialist with a practising certificate in force to use any title suggesting that he is a specialist or otherwise qualified to practise pharmacy.

Clause 33 provides for certain offences in relation to the wrongful procurement of registration, a certificate of registration or a practising certificate, the wilful falsification of an appropriate register, the forgery or alteration of a certificate of registration or practising certificate, the fraudulent use of a certificate of registration or practising certificate which is forged or altered, and the dealing in, or the fraudulent procurement of, a certificate of registration or practising certificate.

Clause 34 regulates the use of qualifications and titles by registered pharmacists and provides that any person who contravenes the clause may be subject to disciplinary proceedings.

Clause 35 provides a general penalty for offences under clauses 28, 29, 30, 31, 32 and 33.

PART V

SPECIALISTS ACCREDITATION BOARD

Part V relates to the establishment and administration of the Specialists Accreditation Board (the Board). The Part also sets out the functions of the Board.

Clause 36 provides for the establishment of the Board and the appointment of the chairman and members of the Board by the Minister. The clause also provides for the quorum for a meeting of the Board and the voting rights at a meeting.

Clause 37 provides that the Board is responsible for accrediting training programmes, for determining the standard and contents of examinations for purposes of registration and for organising, conducting such examinations, and the granting of specialist certificates.

PART VI

DISCIPLINARY AND HEALTH INQUIRIES

Part VI establishes the framework for the disciplinary proceedings and inquires against pharmacists.

Clause 38 relates to the establishment of the Complaints Panel. The members of the Complaints Panel are to be appointed by the Council. The clause also provides for the removal of any member and the filling of any vacancy in the membership of the Complaints Panel.

Clause 39 deals with any complaint or information relating to any registered pharmacist and the referral of such complaint or information to the chairman of the Complaints Panel by the Council. Where a matter is referred to the chairman of the Complaints Panel, the chairman must lay the complaint or information before a Complaints Committee which must inquire into the complaint or information. The clause also enables the Council to refer any information on the conviction of a registered pharmacist to the chairman of the Complaints Panel even though it has not received any complaint or information of such conviction from any person.

Clause 40 provides for the procedures of a Complaints Committee and also enables —

- (a) a Complaints Committee to inquire into any information received by it that is not part of the complaint it is inquiring into; and
- (b) an inquiry to be commenced or carried on despite the withdrawal of the complaint.

Clause 41 deals with the findings and determination of the Complaints Committee and the orders that the Committee may make after due inquiry into a complaint or information. Where a formal inquiry by a Disciplinary Committee is ordered by the Complaints Committee, the Council must appoint a Disciplinary Committee to hear and investigate the complaint or matter.

Clause 42 provides for the appointment of a Disciplinary Committee and its constitution, functions and powers.

Clause 43 sets out the proceedings of a Disciplinary Committee. The clause also provides that the members of the committee are deemed to be public servants within the meaning of the Penal Code (Cap. 224).

Clause 44 provides that where in the course of an inquiry it appears to the Disciplinary Committee that the fitness of a registered pharmacist to practise may be impaired by reason of his physical or mental condition, the Committee may refer and transfer that case to the Health Committee.

Clause 45 relates to the findings and determination of the Disciplinary Committee and the powers that the Disciplinary Committee may exercise after hearing and investigating any matter referred to it.

Clause 46 enables a Disciplinary Committee to exercise certain powers in the event of a breach of any order under clause 45 or any order for interim restricted registration made under clause 54 or 56. The clause also provides for the powers which a Disciplinary Committee may exercise upon the breach of any suspension order by a person.

Clause 47 allows any person who is aggrieved by any order made by the Disciplinary Committee or by any variation of the condition therein to, within 30 days after the service on him of the notice of the order, appeal to the High Court whose decision is final.

Clause 48 deals with the restoration of names to an appropriate register. Where the name of a pharmacist has been removed from the appropriate register pursuant to an order made by the Disciplinary Committee, the Council may, if it thinks fit and where he has complied with all the terms of the order made against him, direct his name to be restored to the appropriate register except that no application for the restoration of a name to the appropriate register is to be made to the Council —

- (a) before the expiration of 3 years from the date of removal; or
- (b) more than once in any period of 12 months.

Clause 49 provides that a Disciplinary Committee may report any breach of any written law disclosed in the course of an inquiry to the appropriate authorities.

Clause 50 provides for the establishment of the Health Committee.

Clause 51 sets out the powers of the Health Committee. The Health Committee may —

- (a) order a registered pharmacist to pay the costs and expenses incidental to the inquiry;
- (b) suspend a registered pharmacist for a period not exceeding 12 months;
- (c) order that the registration of a registered pharmacist be a restricted registration; or
- (d) recommend to the Council that the name of a registered pharmacist be removed from the appropriate register.

Where the Health Committee has made an order for a registered pharmacist to be suspended, it may also order a period of restricted registration upon the expiry of the period of suspension. The Health Committee may also order a registered pharmacist who is on restricted registration to be suspended for a period not exceeding 12 months. In addition, it may vary the conditions imposed by an order for restricted registration.

The clause also provides that a person who is aggrieved by an order of the Health Committee may appeal to the Minister whose decision is final.

Clause 52 provides that a pharmacist whose name is ordered to be removed from an appropriate register by a Health Committee is not to apply for the restoration of his name to the register more than once every 12 months and empowers the Council to re-register that person to the appropriate register.

Clause 53 sets out the constitution of an Interim Orders Committee and provides that a member of the Complaints Committee or Disciplinary Committee, as the case may be, inquiring into any matter must not be a member of the Interim Orders Committee inquiring into the same matter. The clause further provides that the provisions relating to disciplinary proceedings in clauses 42 and 43 will apply with the necessary modifications to an Interim Orders Committee.

Clause 54 provides for the interim orders which an Interim Orders Committee may make, namely, an interim suspension order and an order for interim restricted registration.

Clause 55 states the period within which an interim order must be reviewed by an Interim Orders Committee. The clause also provides a separate timeline for such review where the interim order has been extended by the High Court or where a replacement order has been made.

Clause 56 enables an Interim Orders Committee to revoke, vary or replace an interim order upon its review or the recommendation of a Complaints Committee, a Disciplinary Committee or the Health Committee.

Clause 57 requires a registered pharmacist to be given a right of hearing before an Interim Orders Committee as to whether an interim order should be made against him.

Clause 58 enables the Council to apply to the High Court to extend an interim order, and enables the registered pharmacist concerned to apply to the High Court to revoke, vary or substitute the period of an interim order.

Clause 59 sets out the duration of an interim order.

Clause 60 provides that a person suspended under an interim suspension order will not be regarded as registered under the Bill.

Clause 61 enables the Council to appoint an advocate and solicitor for the purposes of inquiries by a Disciplinary Committee, the Health Committee and an Interim Orders Committee.

Clause 62 provides for the recovery of financial penalties and costs by the Council as a debt due to it and that the liability incurred by a pharmacist will not be affected by his ceasing to be registered with the Council.

PART VII

MISCELLANEOUS

Part VII contains a number of miscellaneous provisions.

Clause 63 relates to the application of funds of the Council.

Clause 64 relates to payment of fees to members of the Council and members of committees appointed by the Council who are not public officers.

Clause 65 enables the Council to appoint one or more public officers or officers of the Council as inspectors to investigate the commission of an offence under the Bill and provides for the powers of such inspectors in carrying out investigations.

Clause 66 provides for the appointment of a legal or medical assessor to the Council.

Clause 67 provides that no legal proceedings is to lie against the Council, its committees or any of their members or employees for any act or thing done under the Bill or the regulations in the absence of proof of bad faith.

Clause 68 confers jurisdiction on a District Court to try any offence under the Bill and to impose the full penalty or punishment in respect of the offence.

Clause 69 empowers the Council to compound any offence which is prescribed as a compoundable offence.

Clause 70 allows a person who is not a registered pharmacist to practice pharmacy under certain circumstances.

Clause 71 allows the Minister to exempt any person or class of persons from all or any of the provisions of the Bill.

Clause 72 relates to the service of notices, orders and documents under the Bill.

Clause 73 empowers the Minister to amend the First Schedule by order published in the *Gazette*.

Clause 74 empowers the Council to make regulations with the approval of the Minister for the purposes of the Bill.

Clause 75 repeals the Pharmacists Registration Act (Cap. 230).

Clause 76 (to be read with the Second Schedule) makes consequential amendments to certain other written laws.

Clause 77 provides for a number of savings and transitional provisions. The clause provides, amongst others, that —

- (a) every person who is a member of the Pharmacy Board under the repealed Act is to continue to be a member of the Council;
- (b) every person who is registered under the repealed Act is deemed to be registered under the Bill;
- (c) annual certificates and certificates of registration issued under the repealed Act are deemed, respectively, practising certificates and certificates of registration issued under the Bill; and
- (d) the Bill will not affect any proceeding which has commenced or is pending before the date of commencement of the Pharmacists Registration Act 2007.

The First Schedule, which is related to clauses 2 and 73, sets out the acts or activities constituting “the practice of pharmacy”.

The Second Schedule, which is related to clause 76, sets out the consequential amendments to certain other written laws.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
