

BILLS SUPPLEMENT

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Bill No. 25 Pharmacy Profession and Pharmacy Practice Bill 2006

**THE PHARMACY PROFESSION AND PHARMACY
PRACTICE BILL, 2006.**

MEMORANDUM

The object of this Bill is—

- (a) to consolidate the law relating to the control of the pharmacy profession and the practice of pharmacy;
- (b) to establish the Pharmacy Council of Uganda;
- (c) to establish the Pharmaceutical Society of Uganda;
- (d) to repeal the Pharmacy and Drugs Act, Cap 280.

Part I of the Bill incorporating clauses 1 and 2 provides for the commencement and interpretation of words and phrases used in the Bill.

Part II of the Bill, incorporating clauses 3 to 8 establishes the Pharmacy Council of Uganda as a body corporate with perpetual succession and a common seal, provides the functions of the Council and the composition and tenure of office of the members of the Council. The Council shall amongst other functions deal with the development and regulation of pharmacy and the practice of pharmacy in Uganda, issue operational licences for wholesale pharmacies, register and publish a register of pharmacy practice at all levels, and regulate all aspects of pharmacy practice in Uganda. The Council shall consist of thirteen members appointed by the Minister who shall hold office for three years.

The Part also regulated the procedure of the meetings of the Council as provided in the Second Schedule and empowers the Council to appoint committees of the Council.

Part III of the Bill, incorporating clauses 9 to 15 deals with the management and staff of the Council. The Part establishes a Secretariat of the Council which is to be headed by a Registrar appointed by the Health Service Commission. The Part details the functions of the Secretariat which include the implementation of the decisions of the Council and the establishment of relations with national, regional and international organisations appropriate for facilitating the implementation of policies and the carrying out of functions of the Council. The Part provides for the appointment of the staff of the Council and experts and consultants.

Part IV of the Bill, incorporating clauses 16 to 22 governs the financial matters by providing for the approved sources of funds and the financial year of the Council. The Part obliges the Council to prepare and submit to the Minister for approval, estimates of income and expenditure of the Council.

The Part mandates the Council to keep proper books of accounts and records of transactions of the Council and to prepare an annual report of the operations and activities of the Council and empowers the Auditor General to audit the accounts of the organisation each year. The Part requires of the Minister to submit to Parliament within three months of receiving them the audited accounts of the Council and the annual report of the Council.

Part V of the Bill, incorporating clauses 23 to 31 deals with the registration of pharmacists. The Part provides the requirements for registration, the issuance of certificates of registration and gives circumstances when provisional registration may be effected. The Part also mandates the Registrar to maintain a register of pharmacists, a provisional register of pharmacists, a register of pharmacies and a register of medicine shops and to gazette all these registers every year.

The Part finally deals with the removal of names of pharmacists from the registers and the circumstances under which those names may be reinstated on the register after removal.

Part VI of the Bill, incorporating clauses 32 to 44 seeks to regulate the licensing and registration for private pharmacy practice. The Part details the requirements for a certificate of private pharmacy practice, and the requirements for licensing medicine shops – category I and category II. The Part requires that premises to be used for the practice of pharmacy of the supply of restricted medicine are issued with certificates and that pharmacies and medicine shops are to be registered and their particulars published in the gazette. The Part gives the Registrar powers to enter, inspect, investigate and close any pharmacy including those in health units, or medicine shop and makes it an offence to obstruct the Registrar or an inspecting officer exercising powers under this Part.

Part VII of the Bill, incorporating clauses 45 to 53 regulates the dispensing of classified medicines. The Part outlines the requirements to be fulfilled by a prescription that is considered valid and the action to be taken on supplying classified medicine. The Part requires that classified medicines are to be supplied to only responsible persons, that the supply should conform to the prescription, that a classified medicine book is to be kept on the premises where the supply is carried out and spells out the categories of persons who are entitled to possess classified medicine. The Part also regulates the dealing in restricted medicines by authorising specified categories of persons to supply and dispense restricted medicines and requires those persons to report to the National Drug Authority any loss of medicine governed by this Part.

Part VIII of the Bill, incorporating clauses 54 to 59 governs the inquiries into professional misconduct by pharmacists and establishes the disciplinary committee to comprise 5 members, covers the procedure for inquiries by the Council into disciplinary matters including the cancellation and suspension of registration of pharmacists, the requirement to publish the decisions of the Council and the right of appeal to the High Court by a person aggrieved by the decisions of the Council.

Part IX of the Bill, incorporating clauses 60 to 79 seeks to establish the Pharmaceutical Society of Uganda, provides for the Executive Committee of the Society, its membership and the committees of the Executive Committee. The Part also provides the functions of the Society, the membership of the Society, the fees payable by the members and regulates the meetings of the Society in the procedure in the Sixth Schedule. The use of the words 'pharmacist', 'pharmacy' and 'dispenser' are restricted and the Part specifically allows only the authorised persons to practise pharmacy and to demand reasonable charges for the specified activities. The Part requires registered pharmacists to undertake continuing pharmaceutical and medical education.

Part X of the Bill, incorporating clauses 80 to 85 provides the miscellaneous provisions including the seal of the Council, immunity of the Registrar and persons authorised by the Council from criminal and civil liability and offences that may be committed under the Act. The Part repeals the Pharmacy and Drugs Act and specified sections of the National Drug Policy and Authority Act, and validates the registration of any pharmacists registered under the repealed Pharmacy and Drugs Act.

The First Schedule prescribes the value of a currency point and Second Schedule provides the requirements for the meetings of the Council. The Third Schedule provides the different forms mentioned in the Act while the Fourth Schedule is the Code of Ethics for Pharmacists registered under the Act. The Fifth and Sixth Schedules deal with meetings of the Executive Committee of the Society and meetings of the Society, respectively.

DR. STEPHEN O. MALLINGA (MP),
Minister of Health.

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ENTITLED

**THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006**

An Act to repeal and replace the Pharmacy and Drugs Act, Cap 280, to consolidate the law relating to the control of the pharmacy profession and the practice of pharmacy, to provide for a council responsible for the management of practice of pharmacy in Uganda and other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement

This Act shall come into force on a date appointed by the Minister, by statutory instrument.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

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“Chairperson” means the Chairperson of the Council appointed under section 5;

“Class A medicine”, “Class B medicine” and “Class C medicine” shall have the meanings assigned to “Class A drugs”, “Class B drugs” and “Class C drugs” in section 1 of the National Drug Policy and Authority Act;

“classified medicine” means Class A medicine, class B medicine or class C medicine;

“Council” means the Pharmacy Council of Uganda established by section 3;

“compounding” means the preparation of a product for an invalid in accordance with a valid prescription;

“currency point” has the meaning assigned to it in the First Schedule to this Act;

“dispense” in relation to medicine, means the supply of medicine on and in accordance with a prescription given by a duly qualified medical practitioner, dentist or veterinary surgeon or other authorised health professional;

“dispenser” means a person holding a Diploma in Pharmacy or Dispensing and registered with the Allied Health Professionals Council;

“duly qualified” used in relation to a medical practitioner, dentist or veterinary practitioner means a person authorised by law to practise medicine, surgery, dentistry, midwifery or veterinary surgery;

“Executive Committee” means the governing body of the Society;

“inspecting officer” means a person empowered under this Act to inspect any premises;

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“internship” means a prescribed period of supervised practice from the time a pharmacist obtains his or her first degree to the time of satisfying the Council that he or she is competent to practise pharmacy;

“licensed person” means a person licensed under section 34;

“medicine” means any substance or preparation used or intended to be used for internal or external application to a human or animal body either in the treatment of a disease or for improving a physiological function or for an agricultural or industrial purpose;

“medicine shop - category I” means a medicine shop that is operated by a dispenser;

“medicine shop - category II” means a medicine shop that is operated by a person other than a dispenser;

“medicine shop operator” means a person handling pharmaceuticals licensed under section 38;

“member” means a member of the Council;

“minimum continuing education” means the attendance by a pharmacist of a minimum number of pharmaceutical or medical or dental seminars, workshops or other training events specified by the Council in a year;

“Minister” means the Minister responsible for health;

“national” means a citizen of Uganda;

“nursing home” means a health unit with up to fifty beds, which is not denominational, or governmental, manned by at least

one fully registered practitioner for the purpose of treating general or specialised patients as out-patients or in-patients, or both;

“pharmacist” means a person holding a valid certificate of registration, not being a suspended certificate, issued under section 26;

“prescription” means a written order from a duly qualified medical practitioner, dentist or veterinary practitioner or other authorised subscriber for medication, surgical materials or medical appliances;

“private pharmacy” means any facility that engages in the importation, exportation, distribution or sale of medicines or medicinal products for profit;

“private pharmacy practice” means the practice of pharmacy in privately owned registered premises, by a registered pharmacist, on his or her own account, or that of the company or a partnership, and includes the dispensing or supply of pharmaceuticals by retail or wholesale from any approved outlet which is privately owned and the provision of necessary professional pharmaceutical information and counselling on the correct use of medicine to a recipient of the medicine;

“professional misconduct” means any act or omission that is contrary to the Code of Ethics in the Fourth Schedule to this Act;

“qualification” means, a degree in pharmacy or other document or written authority granted or awarded by a university, corporation, college, or other body acting under the authority of the government of any country, and approved by the Council;

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“register” means a register of pharmacists, a provisional register of pharmacists, a register of pharmacies, or a register of medicine shops, maintained by the Registrar under section 12;

“Registrar” means the Registrar of the Council appointed under section 11;

“retail pharmacy practice” means a practice which consists of or includes the retail supply of pharmaceutical products under the direct supervision of a pharmacist;

“Society” means the Pharmaceutical Society of Uganda established by section 60;

(2) For the purpose of this Act, the selling of a pharmaceutical product constitutes wholesale dealing in that product and not retail, if it is sold to a person under the direct supervision of a pharmacist for the purpose of—

(a) supplying it; or

(b) administering it or causing it to be administered to a human being or animal,

where the supply or administration is in the course of a business carried on by the purchaser.

**PART II—ESTABLISHMENT, FUNCTIONS AND COMPOSITION
OF THE COUNCIL.**

3. Establishment of the Council

(1) There is established a Council to be known as the Pharmacy Council of Uganda.

(2) The Council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

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(3) The Council may, for and in connection with its objects and functions under this Act, purchase, hold, manage and dispose of any property whether movable or immovable, and may enter into any contract and other transactions as may be expedient and do any other act or thing that in law may be done by a body corporate subject to the provisions of this Act.

(4) The Council shall, except as is otherwise provided in this Act, be independent in the performance of its functions and shall not be subject to the direction, instruction or control of any person or authority.

4. Functions of the Council

(1) The functions of the Council are—

- (a) to secure the highest practicable standards in the practice of pharmacy;
- (b) to deal with the development and regulation of pharmacies and the practice of pharmacy in Uganda;
- (c) to issue operational licences for retail pharmacies and medicine shops at all levels;
- (d) to issue operational licences for wholesale pharmacies;
- (e) to exercise general supervision of pharmacy practice at all levels;
- (f) to promote the maintenance and enforcement of pharmacy professional ethics;
- (g) to register and publish a register of pharmacists, pharmacies and medicine shops;
- (h) to monitor and exercise general supervision and control over and maintenance of the practice of pharmacists and dispensers and educational standards including continuing education;

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- (i) to advise on the class of persons who shall train pharmacy students and specify the circumstances under which any person of that class may be deprived of that right;
- (j) to advise and make recommendations to the Government on matters relating to the pharmacy profession and pharmacy practice;
- (k) to promote and plan in collaboration with the relevant institutions to increase the number of pharmacists and to expand their services throughout the country;
- (l) to promote and plan in collaboration with the Allied Health Professional Council and relevant institutions for the training, distribution and regulation of dispensers;
- (m) to develop and revise pharmacy practice and ethical guidelines and disseminate these to pharmacists, medical and dental practitioners, allied health professionals, nurses and the public;
- (n) to regulate all aspects of pharmacy practice in Uganda;
- (o) to exercise any power and perform any duty authorised or required by this Act or any other law;
- (p) to encourage and commission research in the subject of pharmacy and medicine;
- (q) to provide for the conduct of continuing education courses for pharmacists and dispensers; and
- (r) to oversee the administration of the Pharmaceutical Society of Uganda.

(2) For the purpose of discharging its functions under this Act the Council may—

- (a) make bye-laws regulating the activities of pharmacists and dispensers; and

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- (b) perform any other function or act relating to pharmacy practice as the Minister may direct.

(3) Notwithstanding anything in this section, the National Drug Authority shall retain the overall regulatory authority for all medicines in respect of—

- (a) the control and issue of licences for the manufacturing, import and export of medicine;
- (b) medicine assessment and registration;
- (c) the inspection and surveillance of medicine manufacture;
- (d) testing the quality of medicine;
- (e) post-marketing surveillance;
- (f) the control of clinical trials and monitoring adverse reactions to medicine; and
- (g) the control of promotion and advertising of medicine while ensuring independent medicine information.

5. Composition of the Council

(1) The Council shall consist of the following members all of whom shall be appointed by the Minister—

- (a) a Chairperson, who shall be an experienced pharmacist;
- (b) the Director General of Health Services of the Ministry responsible for health or his or her representative;
- (c) the head of the Pharmaceutical Services of the Ministry responsible for health;
- (d) one pharmacist nominated by and representing the schools of pharmacy of all universities established by law in Uganda;

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(e) seven pharmacists nominated by the Society, one of whom is the President of the Society, two of whom shall be from the private sector, taking into consideration fair representation of retail pharmacy, industrial pharmacy, veterinary pharmacy, hospital pharmacy, military pharmacy and the Non Governmental Organisations pharmaceutical sector;

(f) the Secretary to the National Drug Authority; and

(g) the head of the Pharmacy Department, Mulago hospital.

(2) The members of the Council shall elect one of their member to be the Vice-Chairperson of the Council.

(3) The Registrar shall be the secretary to the Council and, shall participate in the deliberations of the Council but shall have no right to vote.

6. Tenure of office of the members of the Council

(1) A member of the Council shall hold office for three years from the date of appointment and shall be eligible for re-appointment for one more term.

(2) A member of the Council—

(a) shall vacate office by tendering his or her resignation in writing to the Chairperson and in the case of the Chairperson, to the Minister; or

(b) may be removed from office by the Minister or the nominating body for inability to perform the functions of his or her office.

(3) If the office of a member of the Council becomes vacant other than by expiration of time, where that member was appointed by the Minister, the Minister may appoint another person to hold the

office and the person appointed shall cease to hold office on the date on which the person in whose place he or she holds office would have ceased to hold office.

(4) Where a member referred to in subsection (3) was nominated, the nominating body shall forward the name of another person to hold office for the remainder of the term of the member in whose place he or she is appointed.

(5) Where a member of the Council is, for any reasonable cause, temporarily unable to perform the functions of his or her office, the Minister may appoint a suitable person to act as a member of the Council in the place of the substantive member for the period of the member's absence.

7. Meetings of the Council

The Second Schedule to this Act shall regulate the procedure of the meetings of the Council and other matters specified in that Schedule.

8. Committees of the Council

(1) For the better carrying out of its functions, the Council may appoint such committees composed of its members, or its members and other persons as it may consider necessary.

(2) A committee appointed under subsection (1) shall deliberate on any matter assigned to it by the Council and make recommendations to the Council.

(3) A Chairperson of a committee established under this section shall be appointed from among the members of the Council.

(4) For the avoidance of doubt, where the Council, in the exercise of its powers under subsection (1) appoints a committee to regulate pharmacy practice, a representative of the dispensers shall be a member of that committee and if it is a committee to take care of concerns of consumers, a representative of consumers shall be a member of the committee.

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(5) A member of the Council, the Secretary of the Council, a member of a committee of the Council and a person co-opted to attend a meeting of the Council, shall be paid remuneration or allowances as may be determined by the Minister in consultation with the Minister responsible for finance.

PART III—MANAGEMENT AND STAFF OF THE COUNCIL.

9. Secretariat

(1) The Council shall have a Secretariat.

(2) The Secretariat shall be headed by the Registrar.

10. Functions of the Secretariat

The functions of the Secretariat shall be—

(a) to implement the decisions of the Council;

(b) to recommend proposals for the formulation of policies to the Council and to implement policies adopted by the Council;

(c) to establish and maintain relationship with national, regional and international organisations, institutions and agencies as may be appropriate for facilitating the implementation of policies and the carrying out of the functions of the Council; and

(d) to carry out any other functions as the Council may direct.

11. The Registrar

(1) There shall be a Registrar of the Council who shall be an experienced pharmacist appointed by the Health Service Commission.

(2) The Registrar shall be—

(a) the Chief Executive Officer and head of the Secretariat;

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(b) the secretary of the Council and its committees; and

(c) a member of the Executive Committee of the Pharmaceutical Society of Uganda.

(3) The Health Service Commission shall regulate the manner of appointment, terms and conditions of service and disciplining of the Registrar.

(4) The office of Registrar shall become vacant—

(a) if the Registrar resigns his or her office by tendering a resignation in writing to the Health Service Commission;

(b) if, in the opinion of the Council, the Registrar becomes incapable of performing his or her duties; or

(c) if the Registrar is found guilty of misconduct by the Council, as a pharmacist or in relation to his or her office as Registrar.

12. Functions of Registrar

(1) The functions of the Registrar shall be—

(a) to keep and maintain, on behalf of the Council, registers as prescribed by this Act;

(b) to make necessary alterations or corrections in the registers in relation to any entry as may be directed by the Council;

(c) to remove from the Register—

(i) the name of any pharmacist ordered to be removed in accordance with this Act;

(ii) the name of a deceased pharmacist;

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- (iii) any entry which might have been incorrectly or fraudulently made in the register; or
 - (iv) with the consent of the person concerned, the name of a person who has ceased to practise pharmacy;
- (d) to reinstate the name of a pharmacist, pharmacy or medicine shop previously ordered to be removed from the register in accordance with this Act;
- (e) on behalf of the Council, to inspect and have full access to all pharmacies and medicine shops, in accordance with this Act;
- (f) to record or cause to be recorded all minutes of the Council and its Committees and to keep all records and documents of the Council;
- (g) to have the custody of the seal of the Council; and
- (h) to carry on any other function that may be conferred on the Registrar by the Council.

(2) In addition to the functions under subsection (1), the Registrar shall, subject to the general control of the Council, be responsible for the funds and property of the Council and for the day-to-day administration of the affairs of the Council and of the Secretariat and for the management of the staff of the Council.

(3) The Chairperson may, from time to time, in writing, require the Registrar to submit a report on any matter involving or affecting the affairs of the Council.

(4) The Registrar shall, within three months after the end of each financial year, submit to the Council, a general report on the affairs and activities of the Council.

13. Deputy Registrar

(1) The Council shall have a Deputy Registrar who shall—

(a) be an experienced pharmacist with a proven clean track record, appointed by the Health Service Commission; and

(b) hold office on similar terms and conditions as the Registrar.

(2) The Deputy Registrar shall perform any duties that may be assigned to him or her by the Registrar and shall deputise for the Registrar in his or her duties and in the absence of the Registrar, shall perform the duties of the Registrar.

14. Other Staff

(1) The Council shall have other staff as may be necessary for the proper and efficient discharge of its functions and the functions of the Secretariat.

(2) The Council may, with the approval of the Minister, regulate the manner of appointment, terms and conditions of service and the discipline of its employees.

(3) A public officer may be seconded to the service of the Council or may otherwise give assistance to the Council.

15. Experts and consultants

The Council may, on the advice of the Registrar, engage the services of an expert or consultant to perform any of the functions of the Council in which the expert or consultant is considered to have special competence.

PART IV—FINANCIAL PROVISIONS.

16. Funds of the Council

(1) The funds of Council shall consist of—

(a) grants from the Government, and other bodies;

(b) moneys voted by the Parliament; and

(c) any money paid to, or vested in the Council in any manner, or in relation to or incidental to carrying out its functions.

(2) The Council shall operate a bank account in a manner determined by the Council.

(3) The Council may invest its monies in any fund or security of Government or in any other security approved by the Minister.

(4) The Council may, from time to time borrow money for the purpose of carrying out its functions and shall pay interest on the borrowed funds out of the funds of the Council.

17. Financial Year

The financial year of the Council shall be the period beginning from the 1st day of July and ending on the 30th day of June in the following year, except that the first financial year of the Council shall be the period commencing with the commencement of this Act and ending with the 30th day of June next following.

18. Estimates

(1) The Council shall, not later than three months before the end of each financial year, prepare and submit to the Minister for approval, estimates of income and expenditure of the Council for the next following financial year, and may, at any time before the end of each financial year, prepare and submit to the Minister for approval, any supplementary estimates of a current year.

(2) No expenditure shall be made out of the funds of the Council unless the expenditure is part of the expenditure approved by the Minister under the estimates for the financial year in which the expenditure is to be incurred or in supplementary estimates for that year.

19. Accounts

(1) The Council shall keep proper books of accounts and records of all its income and expenditure.

(2) The Council shall prepare in respect of each financial year and not later than three months after the close of the financial year, a statement of accounts, which shall include a report on the performance of the Council during the financial year comprising—

- (a) a balance sheet and a statement of income and expenditure; and
- (b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance may require.

20. Audit

(1) The accounts of the Council shall, in respect of each financial year be audited by the Auditor-General or an auditor appointed by the Auditor-General.

(2) The Council shall ensure that within three months after the expiry of each financial year a statement of accounts prepared under section 19 is submitted to the Auditor-General.

(3) The Auditor-General or an auditor appointed by the Auditor-General shall have access to all books of accounts, vouchers and other financial records of the Council and is entitled to have any information and explanations required in relation to the books of accounts, vouchers and other financial records of the Council as the Auditor-General or an auditor appointed by the Auditor-General may think fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2), audit the accounts and deliver to the Council and the Minister a copy of the audited accounts together with a report on the accounts stating any matter which in the Auditor-General's opinion should be brought to the attention of the Council and the Minister.

21. Annual Report

The Council shall prepare an annual report of the operations and activity of the Council and such other information as the Minister may direct and shall submit the annual report to the Minister as soon as possible after the end of the financial year of the Council.

22. Report to Parliament

(1) The Minister shall, within three months after receiving them, submit to Parliament-

- (a) the audited accounts of the Council submitted to the Minister by the Auditor-General under section 20; and
- (b) the annual report of the Council submitted to the Minister by the Council under section 21.

PART V—REGISTERS AND REGISTRATION OF PHARMACISTS.

23. Application and registration of pharmacists

If, on application made in the prescribed manner by an individual, the Council is satisfied that the applicant is of good character and is a member of the Society, the Council shall direct the Registrar to enter the applicant's name in the register of pharmacists in Form A of the Third Schedule to this Act, after payment of the prescribed fee.

24. Recognition of qualifications

For purposes of registration under this Act, the Council may—

- (a) take into account the entrance requirements, curriculum followed and, where possible, the professional standards exhibited by a person holding a qualification of the pharmacy school awarding the qualification under consideration; and
- (b) recognise a qualification other than a qualification awarded by a university established in Uganda by law.

25. Registrar not to register deregistered pharmacists

The Registrar shall not enter in the register of pharmacists the name of any pharmacist which has been removed from a similar register of any country on grounds of misconduct on the part of that pharmacist, before the Council makes further inquiry to satisfy itself that the person should be registered.

26. Certificate of registration

On the registration of a pharmacist and after payment of the prescribed fee, the Registrar shall issue to the pharmacist, a certificate of registration in Form L in the Third Schedule to this Act, with the seal of the Council affixed to the certificate.

27. Registered person to practise pharmacy

A person registered as a pharmacist under this Act may engage in pharmacy practice.

28. Provisional registration

(1) Notwithstanding section 24, a person who does not qualify to be registered on grounds that he or she does not meet all the requirements for registration, may apply to the Council for provisional registration, and if satisfied, the Council shall—

- (a) direct the Registrar to enter the applicant's name in the provisional register of pharmacists in Form B of the Third Schedule to this Act; and
- (b) cause the Registrar to issue a certificate of provisional registration in Form M in the Third Schedule to this Act.

(2) A pharmacist who is provisionally registered shall only be allowed to practise under the supervision of a registered pharmacist or under conditions specified by the Council.

(3) A provisional registration shall cease to have effect when the pharmacist is duly registered.

29. Registers and publication in the Gazette

(1) The Registrar shall maintain or cause to be maintained a register of pharmacists, a provisional register of pharmacists, a register of pharmacies and a register of medicine shops, which shall respectively be in Forms A, B, C, and D of the Third Schedule to this Act.

(2) The Registrar shall as soon as convenient after the 1st day of January and in any case not later than the 31st day of March of each year publish in the *Gazette* all up-to-date registers maintained under subsection (1).

(3) The Registrar shall as soon as is convenient publish in the *Gazette* lists of pharmacists, pharmacies and medicine shops that are registered after the publication of the registers in sub-section (2).

(4) The Minister, may on the advice of the Council, by statutory instrument amend the Third Schedule to this Act.

30. Removal from the Register

(1) The Council may, after inquiry, remove from the register the names of any registered or provisionally registered pharmacist--

- (a) who is convicted by any court of law of a criminal offence involving moral turpitude;
- (b) who is found guilty of professional misconduct by the Council; or
- (c) whose name has been removed from the register of pharmacists of any other country or who is suspended from practice.

(2) Where the name of a pharmacist is removed from the register in accordance with this section, and that of the dispenser according to section 27 of the Allied Health Professionals Act, the registration of

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the pharmacy or medicine shop shall also, by virtue of the removal, lapse until another pharmacist or dispenser is registered in respect of those premises, or unless the pharmacy or medicine shop is registered in partnership with another pharmacist or dispenser.

31. Restoration of name after removal

(1) The Council may, on its own motion or on the application of the pharmacist whose name is removed from the register and after holding such inquiry as the Council may consider desirable, cause the name of the pharmacist to be reinstated on the register on payment of a fee, determined by the Council.

(2) Where the name of a pharmacist is reinstated on the register in accordance with subsection (1), and that of the dispenser in accordance with section 28 (1) of the Allied Health Professionals Act, the Council may restore the registration of the pharmacy or medicine shop that may have lapsed and may impose a period of supervision or any other conditions it deems fit.

PART VI—LICENSING AND REGISTRATION FOR
PRIVATE PHARMACY PRACTICE

32. Certificate of practice

(1) No person shall engage in private pharmacy practice without a certificate of practice issued by the Council.

(2) The certificate of practice is specified in Form E of the Third Schedule to this Act.

(3) No dispenser shall engage in private pharmacy practice without a certificate of practice issued by the Allied Health Practitioners Council.

33. Licensing of private pharmacy practice

(1) A registered pharmacist may apply to the Council for a licence to operate a retail pharmacy or a wholesale pharmacy.

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(2) An application for a licence under subsection (1) shall be accompanied by a copy of the certificate of registration as a pharmacist and a certificate of practice.

(3) The Council may, if satisfied that the applicant possesses the necessary qualifications, authorise the Registrar to grant a licence to operate a retail pharmacy or a wholesale pharmacy as specified in Forms I and J respectively, of the Third Schedule to this Act, subject to conditions the Council may consider fit.

(4) No licence shall be granted under this section, to a person to operate a pharmacy independently as a pharmacist in private pharmacy practice, unless the Council is satisfied that the person is registered as a pharmacist.

(5) A licence granted under subsection (3) shall be valid for the calendar year in which it is issued and shall be subject to renewal for a period of one calendar year at a time.

(6) No person shall engage in private pharmacy practice without a licence to operate a retail or wholesale pharmacy issued by the Council under this Act.

(7) No person shall supply any medicine by means of an automatic machine.

(8) A person who contravenes this section commits an offence and is liable, on conviction to a fine not exceeding seventy-two currency points or to imprisonment not exceeding three years or both.

34. Licensed persons

(1) If, on application made in the prescribed form by any person other than a pharmacist, in respect of premises in which a pharmacy is to be established, the Council is satisfied—

- (a) that the applicant is in partnership with a registered pharmacist and acts on behalf of the pharmacist;

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(b) that the actual practice of pharmacy at the premises is to be done by a registered pharmacist authorised to practise within those premises; and

(c) in the case of a body corporate, that at least one of the directors is a registered pharmacist and will be responsible for the practice and immediate supervision of those premises,

the Council may, on the payment of a prescribed fee, issue a licence to the applicant authorising the operation of a retail or wholesale pharmacy at the premises, on the conditions specified in the licence.

(2) A licence issued under this section shall be in Form I or J respectively, specified in the Third Schedule to this Act.

(3) A licence issued under this section shall remain in force until a date specified in the licence, except that the Council may revoke the licence if, at any time, the Council is satisfied that the licensed person has contravened any provision of this Act or any condition specified in the licence, or has ceased to be fit to carry on business as a pharmacist.

(4) A person who carries on the business of a pharmacist without a licence issued under this section commits an offence and is liable, on conviction to a fine not exceeding one hundred twenty currency points or imprisonment not exceeding five years or both.

35. Practising pharmacist to be resident in Uganda

(1) No pharmacist shall be allowed to practise pharmacy, unless he or she is a resident of Uganda.

(2) No premises shall be licensed for the practise of pharmacy if the pharmacist registered under these premises is not a resident of Uganda.

36. Duty to supply medicines

(1) Subject to section 43 of the Medical and Dental Practitioners Act and the Veterinary Surgeons Act, a registered pharmacist may give medical, veterinary or dental advice or aid for—

- (a) first aid in case of an accident; or
- (b) first treatment in case of a simple ailment of common occurrence where it is not reasonably practicable for the patient to consult a medical practitioner, veterinary surgeon or dentist.

(2) A pharmacist who renders services under this section shall be entitled to recover charges for the services rendered.

37. Licensing of medicine shops - category I

(1) If, on application made in the prescribed form by a dispenser, the Council is satisfied—

- (a) that the dispenser is fit to carry on a business of supplying by retail, restricted medicine other than Class A medicine or Class B medicine or any other class of medicine that may be specified by the National Drug Authority;
- (b) that the premises in which the medicines are to be supplied shall be supervised by a registered dispenser; and
- (c) that the area in which the dispenser proposes to carry on business is not sufficiently served by existing pharmaceutical services for the retail supply of medicine, as defined by the Council from time to time,

the Council may, on payment of a prescribed fee, issue a licence, authorising the applicant to carry on the business of retail supply of medicine at the premises, on conditions specified in the licence.

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(2) A licence in subsection (1) shall be in Form K in the Third Schedule to this Act.

(3) A licence issued under this section shall be valid for a period specified in the licence, but the Council may—

- (a) revoke the licence if, at any time, the Council is satisfied that the holder of the licence has contravened any provision of this Act or any condition specified in the licence; or
- (b) revoke the licence if, at any time, the Council is satisfied that the holder of the licence has ceased to be fit to carry on the business of retail supply of medicine.

38. Licensing of medicine shops - category II

(1) If, on application made in the prescribed form by a person other than a pharmacist or dispenser, the Council is satisfied—

- (a) that the applicant is fit to carry on a business of supplying by retail, restricted medicine other than Class A medicine or Class B medicine or any other class of medicine that may be specified by the National Drug Authority;
- (b) that the premises in which the medicines are to be supplied shall be periodically supervised by a registered pharmacist or dispenser authorised by the Council; and
- (c) that the area in which the applicant proposes to carry on business is not sufficiently served by existing pharmacies or medicine shops for retail supply of medicine as defined by the Council from time to time,

the Council may, on payment of a prescribed fee, issue a licence, authorising the applicant to carry on the business of retail supply of medicine at the premises, on conditions specified in the licence.

(2) A licence in subsection (1) shall be in Form K in the Third Schedule to this Act.

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(3) A licence issued under this section shall be valid for a period specified in the licence, but the Council may revoke the licence—

- (a) if at any time, the Council is satisfied that the holder of the licence has contravened any provision of this Act or any condition specified in the licence;
- (b) if at any time, the Council is satisfied that the holder of the licence has ceased to be fit to carry on the business of retail supply of medicine; or
- (c) one calendar year after the licensing of a pharmacy or a medicine shop operated by a dispenser in the same area.

39. Practising dispenser to be resident in Uganda

(1) No dispenser shall be allowed to practise pharmacy, unless he or she is a resident of Uganda.

(2) No premises shall be licensed for the practise of pharmacy if the dispenser registered under these premises is not a resident of Uganda.

40. Certificate of suitability of premises

(1) If, on application made in the prescribed form for a certificate of suitability of premises, the Council is satisfied, that the accommodation, fixtures, equipment and other physical attributes render the premises suitable for the practice of pharmacy, or for the supply of restricted medicine excluding Classes A and Class B or any other classes that may be specified by the National Drug Authority, it may issue in respect of those premises a certificate of suitability of premises, which shall be in Forms F,G and H respectively, of the Third Schedule to this Act.

(2) A person registered to practise pharmacy or authorised to supply any restricted medicine from any premises in respect of which a certificate is issued under this section and is in force, shall notify the Council of any alteration in the physical attributes of the premises, or if no alteration occurs in any calendar year, notify the Council of that fact before the end of January of the following year.

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(3) A certificate issued under this section shall remain in force until the date specified in the certificate, except that the Council may revoke the certificate if, at any time, it is satisfied, that owing to an alteration or deterioration in the physical attributes, the premises have ceased to be suitable for the practice of pharmacy or the supply of restricted medicine other than Class A and Class B, or any other class of medicine as may be specified by the National Drug Authority, as the case may be.

41. Registration of pharmacies and medicine shops

(1) On the coming into force of this Act, a person who intends to register a pharmacy or a medicine shop, shall apply to the Council for the inspection and registration of the premises where the pharmacy or medicine shop is to be located.

(2) The Council may, after making such inquiries as it considers necessary, and after payment of a fee determined by the Council, authorise the Registrar to enter a pharmacy or medicine shop on the register in Form C or Form D, respectively, in the Third Schedule to this Act.

(3) Upon registration, the premises shall be licensed under this Act using Form I, J or K in the Third Schedule to this Act, as the case may be.

(4) Every person operating a pharmacy or medicine shop shall within twenty one days after the commencement of business and in January of every subsequent year, send to the Council, in the prescribed manner, returns stating—

- (a) the location and postal address of the premises;
- (b) the name and principal postal address of the person carrying on the business; and
- (c) the name of the pharmacist or dispenser supervising the sale of medicine at the premises.

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(5) Every person operating a pharmacy or medicine shop shall within twenty-one days notify the Council of any alterations of the particulars specified in subsection (4).

(6) The Council shall notify the National Drug Authority of the location of all premises registered to practice pharmacy and any changes that may be made to those premises.

42. Particulars of pharmacies and medicine shops to be published in the Gazette

The Council shall cause to be published in the *Gazette* as soon as possible after registration is authorised and a licence is issued for a pharmacy or medicine shop, the name, location and licence number of the registered premises.

43. Power of entry, inspection, investigation and closure

(1) The Registrar or an inspecting officer appointed by the Council shall, for the purpose of certifying that the provisions of this Act are complied with, enter and inspect any pharmacy including those in health units medicine shop or any other health unit, with the assistance of a law enforcement officer if necessary.

(2) If in the opinion of the Registrar or inspecting officer any action in relation to the premises is necessary, the inspecting officer shall—

- (a) submit a report to that effect to the Council at the earliest opportunity; and
- (b) cause the premises to be closed to preserve the evidence or to prevent further contraventions of this Act, for a period not exceeding five working days, until the matter is reported to the Council or to the police.

(3) On receipt of a report made under subsection (2), the Council may, after making or causing to be made inquiries considered necessary and after affording an opportunity to the person in charge of a pharmacy, medicine shop or health unit, to be heard, take action as it may consider fit.

44. Obstruction

No person shall obstruct the Registrar or an inspecting officer exercising powers under this Part of the Act or fail to comply with a requirement made by the inspecting officer in exercise of those powers.

PART VII—SPECIAL PROVISIONS RELATING TO
CLASSIFIED MEDICINES

45. Need for prescription for classified medicines

(1) A pharmacist or licensed person shall not supply a Class A or Class B Group I medicine to any person, unless it is under prescription reasonably believed by the pharmacist or licensed person supplying the medicine to be valid.

(2) A prescription shall be valid only if—

- (a) it is in indelible writing, dated and signed with the usual signature of a registered medical practitioner, dentist or veterinary surgeon;
- (b) it states the name, qualification and address of the person signing it;
- (c) it states the name and address of the person for whose treatment it is given or, if signed by a veterinary surgeon, of the person in charge of the animal to which it is to be administered;
- (d) it is signed by a dentist, and bears the words “for dental treatment only” or, if signed by a veterinary surgeon, bears the words “for animal treatment only”;
- (e) it indicates the total amount of the medicine to be supplied and the dose to be taken or the manner of its application or use; and
- (f) it has not previously been fully dispensed.

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(3) A prescription shall be fully dispensed if the medicine prescribed has been supplied once, unless it clearly states—

- (a) the number of times it shall be dispensed;
- (b) that it shall be dispensed at indicated intervals, and shall, in that case, be fully dispensed, if the medicine prescribed has been supplied, the stated number of times; or
- (c) that the total quantity of each medicine prescribed has been fully dispensed.

(4) This section does not apply—

- (a) if the medicine is supplied, whether personally or on a signed order, to a medical practitioner, dentist, veterinary surgeon, pharmacist or licensed pharmacy for the purpose of being subsequently dispensed or supplied or used for purposes of scientific education or research; or
- (b) if the medicine is supplied from the dispensing department of an approved institution in accordance with regulations made by the Minister.

46. Action to be taken in relation to prescriptions

Where a classified medicine is supplied under a prescription—

- (a) the person supplying the medicine shall enter on the prescription in indelible writing, the date on which the medicine is supplied and the name and address of the supplier; and
- (b) the prescription shall be retained by the supplier on the premises at which it was dispensed and shall be readily available for inspection for two years after the prescription.

47. Classified medicines to be supplied to responsible persons

A pharmacist or licensed person shall not supply a Class A or B medicine to a person who is not reasonably believed by the supplier to be a person to whom the medicine may be supplied.

48. Supply to conform to prescription

No person shall supply any classified medicine, which does not conform to the prescription or order under which it is supplied.

49. Classified medicine book

(1) A person who supplies a Class A, Class B, or Class C Group II medicine shall keep in the premises from which the medicines are supplied, a book of the prescribed description to be known as a Classified Medicines Book.

(2) Subject to subsection (3), before any person supplies a Class A, B or C Group II medicine, he or she shall enter or cause to be entered in the Classified Medicines Book the following particulars—

- (a) the name and quantity of the medicine to be supplied;
- (b) the name and address of the person who requires the medicine;
- (c) the purpose for which the medicine is required;
- (d) the signature of the person to whom the medicine is delivered; and
- (e) the date of delivery.

(3) Where a classified medicine is sold to an agent or servant of the purchaser by whom it is to be used or where sale is effected by post—

- (a) before the sale is completed, the seller shall obtain an order in writing, signed by the purchaser showing—

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- (i) the purchaser's name, address and occupation;
- (ii) the name and quantity of medicine to be purchased;
and
- (iii) the purpose for which the medicine is required.

(b) before the sale is completed, the seller shall satisfy himself or herself that the signature on the order is that of the person who is supposed to sign the order and that the person's occupation stated in the order is an occupation for which the medicine is properly required;

(c) an entry in the Classified Medicines Book shall in place of the signature of the person to whom the medicine is delivered, record "signed order", giving a reference by which the particular signed order may be readily identified; and

(d) all signed orders and prescribed records of transactions to which this subsection applies shall be retained on the premises where the sales were made for two years.

(4) Notwithstanding subsection (3) (a), where a purchaser indicates that he or she urgently requires a classified medicine for the purpose of his or her trade, business or profession, and satisfies the seller that by reason of an emergency, he or she is unable to furnish the order required by subsection (3), the seller may, deliver the medicine to the purchaser before receipt of the order.

(5) Where medicine is delivered to a supplier before receipt of the order under subsection (4), the purchaser shall, within twenty-four hours after the sale, furnish the seller with a written order.

(6) A person who contravenes any of the provisions of this section commits an offence and is liable, on conviction to a fine not exceeding one thousand currency points or imprisonment not exceeding five years, or both.

50. Possession of classified medicines

(1) The following persons may be in possession of classified medicines, subject to the specified limitations—

- (a) any person specified in section 34 for the purposes of that section;
- (b) a licensed person or seller of classified medicines, on premises registered under this Act;
- (c) a wholesale dealer licensed under this Act for the purposes of the licence and on the licensed premises;
- (d) any person, institution or department, to whom or to which a classified medicine has been lawfully sold in accordance with this Act, for the purpose for which the sale was made; or
- (e) any person for whom the classified medicine has been lawfully supplied or dispensed by a duly qualified medical practitioner, dentist or veterinary surgeon or an approved institution.

(2) Any person who is in the possession of a classified medicine other than in accordance with this section, commits an offence and is liable, on conviction to a fine not exceeding one thousand currency points or imprisonment not exceeding five years or both.

51. Dealing in restricted medicines

(1) No person shall carry on a business of wholesale dealing in restricted medicines, unless he or she has a licence granted under this section.

(2) The Council may, on application made in the prescribed form and upon payment of the prescribed fee, grant a licence to operate a wholesale pharmacy in Form J of the Third Schedule to this Act, for wholesale dealing in restricted drugs, if the Council is satisfied—

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- (a) that the applicant is a person to whom the licence can properly be granted;
- (b) that the business of wholesale dealing shall be carried out under the immediate supervision of a pharmacist;
- (c) in the case of a company, that at least one of the directors is a pharmacist resident in Uganda; and
- (d) in the case of a partnership, that at least one of the partners is a pharmacist resident in Uganda.

(3) A licence granted under this section may include a condition prohibiting or limiting wholesale dealing in a specified restricted medicine.

(4) A licence granted under this section shall be valid for the period specified in the licence, but the Council may revoke the licence if, at any time it is satisfied that the holder of the licence—

- (a) has contravened any provision of this Act or any condition contained in the licence; or
- (b) has ceased to be fit to carry on the business.

(5) No person shall carry on a business of retail dealing in restricted medicines including medicines of Class A and Class B, unless he or she has a general or limited certificate issues under this section.

52. Supply and dispensing of restricted medicines

(1) No person shall mix, compound, prepare, supply or dispense any restricted medicine, unless he or she is a registered pharmacist, dispenser, medical practitioner, dentist, veterinary surgeon or a licensed person.

(2) Subject to subsection (1),—

- (a) a medicine shop operator may, supply any medicine other than Class A or Class B medicines;

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(b) medicine may be mixed, compounded or prepared under the immediate supervision of a registered pharmacist;

(c) restricted medicine may be supplied or dispensed by a member of staff of a hospital or similar institution authorised to do so by a general or special order of the National Drug Authority; and

(d) restricted medicines may be supplied by a representative of a person engaged in the sale or supply of pharmaceutical goods, for the purpose of giving free samples of the medicine to persons who are authorised to possess restricted medicines, under regulations made by the Minister after consultations with the National Drug Authority.

(3) Where restricted medicine is supplied or dispensed under subsection (2)—

(a) the restricted medicines shall be distinctly labelled with the name and address of the person to whom it is supplied or dispensed, unless the restricted medicine is supplied or dispensed by a medical practitioner, dentist, veterinary surgeon or midwife or under the direct supervision or in the presence of any of these persons; and

(b) the following particulars shall within twenty four hours after the medicine is supplied or dispensed, be entered in a prescription book—

(i) the date on which the restricted medicine is supplied or dispensed;

(ii) the ingredients and quantities supplied;

(iii) the name and address of the person to whom the restricted medicine is supplied; and

- (iv) the name and address of the person to whom the prescription is given.

(4) Any record made under this section shall be open to inspection by the Registrar or an inspecting officer.

53. Loss of Class A or Class B medicines

Any person entitled to supply or dispense Class A and Class B medicines under this Act shall, upon the loss of Class A or Class B medicine in his or her possession or control or any records kept under this Act in relation to that medicine, report the loss to the National Drug Authority and notify the Council of the loss within seven days, giving particulars of the ingredients and the quantities of the medicines or the particulars of the records lost.

PART VIII—INQUIRY BY COUNCIL

54. Disciplinary Committee

(1) Without prejudice to section 8, there is established a committee of the Council to be known as the Disciplinary Committee.

(2) The Disciplinary Committee shall consist of—

- (a) a Chairperson who shall be appointed by the Council from among its members;
- (b) the legal advisor to the Council; and
- (c) three pharmacists appointed by the Council from among its members.

(3) At any meeting of the Disciplinary Committee, three members of the Disciplinary Committee who should include the Chairperson and the legal advisor, shall form a quorum.

(4) The Chairperson of the Disciplinary Committee and a person appointed under paragraph (b) and (c) of subsection (2) shall hold office for three years and are eligible for re-appointment.

55. Inquiry into professional misconduct and procedure of inquiry

(1) Where a complaint is made to the Registrar, or where the Registrar has reason to believe, that a pharmacist—

(a) has been convicted of an offence under this Act or any other Act; or

(b) is in breach of the Code of Ethics specified in the Fourth Schedule to this Act,

the Registrar shall take practical steps to verify the alleged offence or misconduct and if, after consulting the Chairperson of the Disciplinary Committee, the Registrar is of the opinion that there is cause for an inquiry by the Disciplinary Committee, the Registrar shall serve a written notice on the pharmacist personally or send it by registered post or courier and invite the pharmacist to furnish, in writing within six weeks, any explanation the pharmacist may desire to make.

(2) The Registrar shall submit a copy of the notice served on the pharmacist in subsection (1); together with any explanation furnished by the pharmacist and all other relevant documents, to the Disciplinary Committee.

(3) If, after considering the explanation, furnished by the pharmacist in subsection (1), the Disciplinary Committee is of the opinion that there is cause for an inquiry, it shall order an inquiry to be held.

(4) A pharmacist whose conduct is the subject of inquiry shall be present at the inquiry and may be represented by an advocate of his or her own choice.

(5) Where a pharmacist whose conduct is the subject of inquiry fails without reasonable cause to appear before the Disciplinary Committee and the Disciplinary Committee is satisfied that subsection (1) has been complied with, the Committee shall proceed with the inquiry in the absence of the pharmacist.

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(6) If the Disciplinary Committee commences or conducts any of its proceedings in the absence of the pharmacist whose conduct is the subject of inquiry, or his or her advocate, the pharmacist or his or her advocate shall be informed of the decision of the Disciplinary Committee.

(7) A pharmacist whose conduct is the subject of inquiry or his or her advocate shall be informed, during the inquiry if the Disciplinary Committee does not accept his or her explanation or defence.

(8) Chapter X of the Penal Code and section 131 of the Evidence Act shall apply to any inquiry held by the Disciplinary Committee as they apply to causes or matters in a court of law.

(9) The Disciplinary Committee may order and enforce the attendance of any person as a witness at any inquiry under this Act and may require the production of any book, document or other item as it may deem fit.

(10) A summons for attendance of a witness at the proceedings of an inquiry by the Disciplinary Committee shall be signed and issued by the Registrar.

(11) The proceedings and the decision of the Disciplinary Committee at an inquiry shall be recorded under the direction of the Chairperson of the Disciplinary Committee and when signed shall be conclusive evidence of the proceedings and the decision.

(12) On the conclusion of the inquiry, the Disciplinary Committee shall submit to the Council a record of the inquiry together with its recommendations on penalty, if any.

(13) Subject to this Act, the Disciplinary Committee may regulate its own procedure in all inquiries under this Act.

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(14) Where the Disciplinary Committee, after an inquiry under this section, is satisfied that a complaint made against a pharmacist has been proved it may recommend to the Council to—

- (a) reprimand the pharmacist;
- (b) impose a fine on the pharmacist, not exceeding five thousand currency points; or
- (c) cancel or suspend for a specified period, the pharmacist's certificate of registration,

and may in any case order any party to the inquiry to pay the whole or a part of the costs of the other party.

(15) Where a notice under subsection (1) is served on a pharmacist, the Council may order the suspension of the pharmacist's certificate of registration until the conclusion of the proceedings against the pharmacist.

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

56. Cancellation and suspension of registration

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

- (a) serve on the pharmacist a written notice informing him or her of the order and requiring him or her to deliver the certificate within twenty one days from the date of service of the notice;
- (b) cause the notice of the cancellation or suspension to be published in the *Gazette*; and

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(c) in the case of cancellation delete the name of the pharmacist from the register.

(2) A pharmacist whose name is deleted from the register under paragraph (c) of subsection (1) shall cease to be a member of the Society.

(3) If the case is one in which an appeal may be lodged, the Registrar shall not take any action under subsection (1) until the time allowed for giving notice of appeal has expired or, if an appeal is lodged, until the appeal has been finally disposed of.

(4) When the period of suspension of a pharmacist's certificate of registration expires, the Registrar shall—

(a) return the certificate to the pharmacist; and

(b) cause notice of the end of the suspension to be published in the *Gazette*.

57. Notification of the decision to the person

Within thirty days after the conclusion of an inquiry, the Registrar shall notify the person concerned in writing of the decision of the Council.

58. Publication of the decision of the Council

The Council may direct, in the manner that it deems fit, the publication of the report and the decision of any inquiry held by the Council.

59. Appeal to High Court

(1) A person aggrieved by the decision of the Council may, within ninety days from the date of notification of the decision of the Council, appeal to the High Court against the decision, and the High Court may confirm, revoke, or vary the decision as it thinks fit.

(2) The Chief Justice may make rules regulating appeals to the High Court under this Act.

PART IX—ESTABLISHMENT OF THE PHARMACEUTICAL
SOCIETY OF UGANDA

60. Establishment of Society

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

61. Executive Committee

(1) The Society shall have an Executive Committee, which shall be the governing body of the Society.

(2) Subject to section 11, the Executive Committee shall comprise the following members all of whom shall be elected at the annual general meeting of the Society—

- (a) the President;
- (b) the Secretary;
- (c) the Treasurer;
- (d) the Registrar of the Council; and
- (e) two other members.

62. Membership to the Executive Committee

Any fully paid up member of the Society may be elected to be a member of the Executive Committee.

63. Meetings of the Executive Committee

(1) The Executive Committee shall meet for the discharge of its functions, at least six times a year and shall develop and adopt rules of procedure to guide the Executive Committee meetings.

(2) The Fifth Schedule to this Act shall apply in relation to the procedure of the meetings of the Executive Committee and other matters specified in that Schedule.

(3) The Executive Committee may co-opt at its meeting, any person for the proper discharge of its duties as it deems appropriate but no co-opted person is entitled to vote at the meeting.

64. Committees of the Executive Committee

(1) For the better carrying out of its functions, the Executive Committee may appoint committees composed of its members, or its members and other persons, as it may consider necessary.

(2) A committee appointed under subsection (1) shall deliberate on any matter assigned to it by the Executive Committee and make recommendations to the Executive Committee.

(3) For the avoidance of doubt, the Chairperson of a committee under this section shall be appointed by the Executive Committee.

(4) The Executive Committee may regulate the procedure of its Committees.

65. Functions of the Society

The Society shall—

- (a) be responsible for the welfare of its members;
- (b) provide for the conduct of the qualifying examinations for membership to the Society;
- (c) maintain a library of books and periodicals relating to pharmacy and related subjects and encourage the publication of such books;
- (d) promote the wellbeing and advancement of the pharmacy profession;

(e) promote adherence to high ethical standards and good pharmaceutical practice; and

(f) carry out any other functions delegated by the Council.

66. Membership of Society

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

(a) holds a relevant degree, or other qualification awarded by a university or institution, approved by bye-laws made by the Council, denoting a standard which, in the opinion of the Council, is not lower than that required under paragraph (b) of this subsection and completes practical training of a description and for a period that may be prescribed by the bye-laws made by the Council; and

(b) passes the qualifying examinations for membership of the Society approved by the Council, and completes practical training of a description and for a period that may be prescribed by bye-laws made by the Council,

is eligible for membership of the Society.

(2) A person who is a member of any society or institute of pharmacists by whatever name called and which is approved by the bye-laws made by the Council as an association of equivalent status to the Society, is also eligible for membership of the Society.

(3) Notwithstanding the approval of any society or institute mentioned in subsection (2), the Council may declare that any specified class or description of members of such society or institute shall not be eligible for membership of the Society.

(4) The bye-laws made by the Council prescribing practical training for the purposes of this section may contain special provisions as the Council may deem expedient declaring that, a person—

- (a) who had commenced prior to the commencement of this Act, and completed or completes, whether prior to or after that date, training of a description and duration as may be specified in the bye-laws; or
- (b) who has served in a post and who completes training of a description and duration as may be specified in the bye-laws,

shall be deemed to have completed the training prescribed, for the purpose of paragraph (b) of subsection (1).

(5) The bye-laws made by the Council by which any society or institute is approved for the purpose of subsection (2) may provide, as a condition of the approval, that a member of another pharmaceutical society or institute shall not be eligible for membership of the Society unless he or she has undergone practical training or acquired practical experience in the subject of pharmacy, as may be described in the bye-laws.

67. Categories of membership of the Society

(1) Notwithstanding section 66, the Society shall have—

- (a) honorary members;
- (b) provisional members;
- (c) associate members; and
- (d) corporate members.

(2) The rights and responsibilities of the members of any of the categories mentioned in subsection (1) shall be defined in regulations made under this Act.

68. General disqualifications

(1) No person shall be enrolled as a member or be a member of the Society, unless he or she—

(a) has attained the age of twenty-one years; and

(b) has paid the prescribed fees.

(2) No person shall be enrolled as a member of the Society if he or she—

(a) has been adjudged by a court to be of unsound mind ;

(b) has been convicted by a court, in Uganda or elsewhere of any offence involving fraud or dishonesty; or

(c) having been adjudged an insolvent or bankrupt, has not been granted a certificate by court, to the effect that his or her insolvency or bankruptcy arose wholly or partly from unavoidable losses or misfortunes.

69. Fees for membership

(1) Subject to section 66, a person who is eligible for membership of the Society shall be enrolled as a member upon payment of an entrance fee and an annual subscription fee prescribed by the Council.

(2) The entrance fee and the annual fee shall be paid to the Society.

(3) The annual subscription fee payable under this section shall be due and payable by the first day of January of each year or, in the case of members admitted after that date, on the date of admission.

70. Style of membership

(1) Every member of the Society shall be entitled to take and use the title “Member of the Pharmaceutical Society of Uganda” and shall have the right to use the acronym “MPS” after his or her name to indicate that he or she is a member of the Society.

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(2) A person who is not a member of the Society, shall not use as his or her title “Member of the Pharmaceutical Society of Uganda”.

(3) Any member who renders distinguished service to the Society or to the pharmacy profession or who makes outstanding original contributions to the advancement of pharmaceutical knowledge or who attains exceptional proficiency in a subject embraced by or related to the practice of pharmacy, may be designated as a Fellow of the Society.

(4) Fellowship of the Society shall be awarded on the recommendation of the Council based on the biographical profile of the nominated member as submitted by a member and supported by five other members.

(5) A fellow shall hold the title at the pleasure of the Society and shall fulfil or observe any other requirements as may be deemed necessary.

(6) A fellow may write the acronym “FPS” after his or her name.

71. Restrictions on use of ‘pharmacist’ and ‘pharmacy’

(1) No person who is not a pharmacist shall—

(a) describe himself or herself as a pharmacist;

(b) hold out to be a pharmacist; or

(c) assume, take, exhibit, or in any way, make use of any title, emblem or description likely to suggest that he or she is a pharmacist.

(2) No person or organisation other than the Council shall cause or permit any premises to be open to the public for the sale of medicine under the description of, “pharmacy”, “druggist”, “dispensary”, “chemist” or any similar description unless there is a registered pharmacist at the premises, who supervises the activities carried on at the premises.

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(3) For the purposes of this section, the use of the word “pharmacy”, “chemist” or any similar word or combination of words in any language shall be deemed to suggest that the owner of the business or the person in control of the practice on the premises, or both, is a registered pharmacist.

(4) This section shall not apply to a description of ‘medicine shop operator’ when used by a person licensed under section 37.

72. Restrictions on use of ‘dispenser’

No person who is not a dispenser shall—

- (a) describe himself or herself as a dispenser;
- (b) hold out to be a dispenser; or
- (c) assume, take, exhibit, or in any way, make use of any title, emblem or description likely to suggest that he or she is a dispenser.

73. Additional qualifications

A pharmacist registered under this Act who acquires additional qualifications approved by the Council may, on payment of a prescribed fee, have the additional qualification included in the Register.

74. Publication *prima facie*

(1) The publication of a register in the *Gazette* under section 29 shall be prima facie evidence that—

- (a) a pharmacist whose name appears in the register is registered as a pharmacist under this Act;
- (b) the pharmacy or medicine shop mentioned in the register, is registered under this Act;
- (c) a person whose name does not appear in the register is not registered under this Act;

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(d) a pharmacy or medicine shop which is not mentioned in the register is not registered under this Act.

(2) A copy or extract from the Register certified by the Registrar shall be admissible as evidence in any court of competent jurisdiction.

75. Charges

(1) A registered pharmacist may demand reasonable charges—

(a) for any specialised advice given;

(b) for the attendance or treatment rendered;

(c) for any preparations specially made and supplied; and

(d) for any medicine supplied on prescription.

(2) A registered pharmacist shall be entitled to sue for recovery of any charge in subsection (1) with full costs, in any court of competent jurisdiction.

(3) For the avoidance of doubt, a person who is not registered under this Act shall not demand any charges under subsection (1).

76. Authorised persons to practise pharmacy

(1) Only persons authorised by this Act and by sections 14 and 39 of the National Drug Policy and Authority Act, may engage in private pharmacy practice.

77. Registered pharmacists to undertake minimum continuing pharmaceutical and medical education

(1) Every pharmacist engaged in active private pharmacy practice shall be required to undergo minimum continuing pharmaceutical or medical education or both, prescribed or organised by the Council.

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(2) A pharmacist's name shall not remain on the register maintained under subsection (1) of section 29 unless the pharmacist has undergone minimum continuing education under subsection (1).

(3) Failure to comply with subsection (1) shall constitute a ground for disciplinary action.

(4) The Council may delegate its powers under subsection (1) to any pharmaceutical association or establishment or a dental or medical association it may deem fit.

(5) The Council may recognise any minimum continuing education undertaken by a pharmacist outside Uganda.

78. Notification of death of a pharmacist

The Chief Administrative Officer of a district, in the performance of his or her duties under the Births and Deaths Registration Act shall, on receiving a report of the death of a registered or provisionally registered pharmacist, notify the Registrar of the death, in writing.

79. Meetings of the Society

The Sixth Schedule to this Act shall regulate the procedure of the meetings of the Council and other matters specified in that Schedule.

PART X—MISCELLANEOUS

80. Seal of the Council

(1) The seal of the Council shall be in a form the Council shall determine.

(2) Every document issued by the Council shall be affixed with the seal of the Council.

(3) The seal of the Council affixed on any document shall be authenticated by the signature of the Registrar, which shall not require to be witnessed by any other person.

(4) A document issued by the Council in the manner prescribed in subsection (3), shall be deemed to be a valid document of the Council and shall be admissible in evidence without further proof unless the contrary is shown.

(5) The seal of the Council shall be kept under the custody of the Registrar.

81. Immunity from criminal and civil liability

(1) The Registrar, a pharmacist or a person authorised by the Council shall not, in his or her personal capacity, be liable for any civil or criminal proceedings in respect of any act done or made in good faith in the performance of his or her duties under this Act.

(2) A member of the Executive Committee, a pharmacist or an officer authorised by the Society shall not in his or her personal capacity, be liable for any civil or criminal proceedings in respect of any act done or made in good faith in the performance of his or her duties under this Act.

(3) A member of the Executive Committee, a pharmacist or an officer authorised by the Executive Committee shall not in his or her personal capacity, be liable for any civil or criminal proceedings in respect of any act done or made in good faith in the performance of his or her duties under this Act.

82. Vicarious liability

(1) Any act or omission, which if done by an individual would be an offence under this Act or regulations made under this Act, if done by a body corporate, shall be deemed to be an offence committed by every director, secretary and manager of the body corporate unless a director, secretary or manager proves that the offence was committed without his or her consent or connivance and that he or she exercised all diligence he or she ought to have exercised having regard to the nature of his or her functions in the capacity, and to all the circumstances of the case, to prevent the commission of the offence.

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(2) An offence committed by a partner of a firm, under this Act or regulations made under this Act, shall be deemed to have been committed by every person who at the time of commission of the offence was a partner of the firm or who purported to act in that office, unless that person proves that the offence was committed without his or her consent or connivance and that he or she exercised all diligence he or she ought to have exercised having regard to the nature of his or her functions in the capacity and to all the circumstances of the case, to prevent the commission of the offence.

83. Offences

(1) Any person who—

- (a) wilfully and falsely uses any name or title implying a qualification to practice pharmacy or who is not registered or authorised under this Act but practices openly or impliedly as a pharmacist;
- (b) wilfully procures or attempts to procure himself or herself to be registered under this Act by false or fraudulent representation either verbally or in writing;
- (c) is summoned by the Council but fails-
 - (i) to attend as a witness or to produce any books or documents which he or she is required to produce without reasonable cause; or
 - (ii) refuses, without lawful excuse, to answer any question put to him or her in the course of the proceedings of the Council; or
- (d) does an act prohibited by this Act or fails to do anything required by this Act,

commits an offence and is liable, on conviction, to fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

84. Regulations

(1) The Minister may, on the recommendation of the Council, by statutory instrument make regulations generally for the better carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may make regulations for any or all of the following—

(a) the fees to be paid under this Act including the fees payable for any registration under this Act;

(b) the application forms that may be necessary;

(c) replacement of certificates which are lost, destroyed or mutilated; and

(c) any other form to be issued under this Act.

(2) The Minister may by statutory instrument and with approval of the Cabinet amend the First Schedule to this Act.

(3) The Minister may by statutory instrument and with the approval of the Council amend the Second, Third, Fourth, Fifth and Sixth Schedules to this Act.

85. Repeal and Savings

(1) The Pharmacy and Drugs Act, is repealed.

(2) Section 5(a) of the National Drug Policy and Authority Act is amended by deleting the word ‘pharmacies’ appearing in the second line.

(3) Sections 13, 14, 15, 16,17, 19, 21, 22, 23, 24, 27, 34 and 37 of the National Drug Policy and Authority Act, are repealed.

(4) Section 29 (a) of the Allied Health Professional Act, is repealed.

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(5) Notwithstanding subsection (1), the registration or entry in a register of pharmacists under the repealed Pharmacy and Drugs Act, 1970 shall not, if in force at the commencement of this Act, be affected by the repeal, and a pharmacist registered under the repealed Act shall be deemed to be registered under this Act.

(6) After the coming into force of this Act, the Council shall place every pharmacist who is not a citizen of Uganda and who is licensed or registered as a pharmacist under the repealed Pharmacy and Drugs Act, 1970 on the register of pharmacists.

FIRST SCHEDULE

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

MEETINGS OF THE COUNCIL

1. Convening meetings

(1) The Council shall meet at places and times as may be meetings decided upon by the Council but in any case, the Council shall meet at least once every two months.

Special meetings

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

2. Presiding at meetings

The Chairperson or, in his or her absence, the Vice-Chairperson, shall preside at a meeting of the Council and in absence of both the Chairperson and the Vice-Chairperson, the members present shall elect a member from among themselves to preside at the meeting.

3. Quorum

The quorum at a meeting of the Council shall be three members.

4. Decisions

A decision of the Council shall be reached by a majority of the votes of the members present and in the event of an equality of votes, the person presiding over the meeting shall have the casting vote in addition to his or her deliberative vote.

5. Co-opting of persons to meetings

The Council may co-opt at any meeting of the Council any person for the proper discharge of its duties as it deems appropriate but no co-opted person is entitled to vote at the meeting.

6. Disclosure of interest

(1) A member of the Council who has a direct or indirect pecuniary interest in a matter under consideration or about to be considered by the Council shall, as soon as possible, after the relevant

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facts have come to his or her knowledge, disclose the nature of his or her interest to the Council.

(2) A disclosure of interest under sub-paragraph (1) shall be recorded in the minutes of the Council and the member taking the disclosure shall not, unless the Council decides—

(a) be present during any deliberation of the matter by the Council; and

(b) take part in the decision of the Council, on the matter.

8. Minutes

(1) The Council shall cause the minutes of the proceedings of all its meetings to be recorded and kept.

(2) The minutes of each meeting shall be confirmed by the Council and signed by the Chairperson at the next meeting.

9. Council may prescribe its own procedure.

Except as otherwise provided in this Schedule, the Council may prescribe its own procedure.

THIRD SCHEDULE

FORMS

Sections 23 and 29 (1)

FORM A

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

REGISTER OF PHARMACISTS

Registration number	Date of registration	Name of applicant	Address	Qualification (s)	Date of qualification and institution	Date of birth	Registrar's remarks

Bill No. 25 Pharmacy Profession and Pharmacy Practice Bill 2006

Sections 28 (1) (a) and 29 (1)

FORM B

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

PROVISIONAL REGISTER OF PHARMACISTS

Registration number	Date of registration	Name of applicant	Address/ Name of institution of practice	Qualification (s)	Date of qualification and institution	Date of birth	Registrar's remarks

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

REGISTER OF PHARMACIES

Year 20_____

Licence Number	Name of Pharmacy	Address	Nature of practice (wholesale, retail or both)	Human, Veterinary/both

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Sections 29 (1) and 41(2)

FORM D

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

REGISTER OF MEDICINE SHOPS

Year 20_____

Licence Number	Name of medicine shop	Address	Human, Veterinary/both

CERTIFICATE OF PRACTICE

THE REPUBLIC OF UGANDA

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

CERTIFICATE OF PRACTICE

This is to certify that Mr./Mrs./Miss./Dr _____
Reg. No _____ has been enrolled and is allowed to practice
pharmacy for the year beginning 1st January _____ to December _____
at _____

Date of issue _____

Issued by the Pharmacy Council

Fee: U shs. _____

Registrar, Pharmacy Council

CERTIFICATE OF SUITABILITY OF PREMISES
FOR RETAIL PHARMACY

THE PHARMACY COUNCIL

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

Certificate of Suitability of Premises for Retail Pharmacy

This is to certify that the premises of _____

At the location _____

And Postal Address _____

And Supervised by Pharmacist _____

With Registration Number _____

Are considered suitable for carrying on the business of a RETAIL
PHARMACY

Certificate No _____ Valid up to _____

Fee paid U shs _____ Date _____

Registrar, Pharmacy Council.

THIS CERTIFICATE MUST BE PROMINENTLY DISPLAYED IN THE
PREMISES TO WHICH IT REFERS

**CERTIFICATE OF SUITABILITY OF PREMISES FOR A
WHOLESALE PHARMACY**

THE PHARMACY COUNCIL

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

Certificate of Suitability of Premises for a Wholesale Pharmacy

This is to certify that the premises of _____

At the location _____

And Postal Address _____

And Supervised by Pharmacist _____

With Registration Number _____

Are considered suitable for carrying on the business of a
WHOLESALE PHARMACY

Certificate No _____ Valid up to _____

Fee paid U shs _____ Date _____

Registrar, Pharmacy Council.

**THIS CERTIFICATE MUST BE PROMINENTLY DISPLAYED IN THE
PREMISES TO WHICH IT REFERS**

CERTIFICATE OF SUITABILITY OF PREMISES FOR A
MEDICINE SHOP

THE PHARMACY COUNCIL

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

Certificate of Suitability of Premises for a Medicine Shop

This is to certify that the premises of _____

At the location _____

And Postal Address _____

And Supervised by Dispenser (Name) _____

Other person (specify) _____

With Registration number _____

Are considered suitable for carrying on the business of a

MEDICINE SHOP CATEGORY I / CATEGORY II

Certificate No _____ Valid up to _____

Fee paid U shs _____ Date _____

Registrar, Pharmacy Council.

THIS CERTIFICATE MUST BE PROMINENTLY DISPLAYED IN THE
PREMISES TO WHICH IT REFERS

LICENCE TO OPERATE A RETAIL PHARMACY

THE PHARMACY COUNCIL

THE PHARMACY PROFESSION AND PHARMACY PRACTICE ACT, 2006

Licence To operate a Retail Pharmacy

This is to certify that the business trading under the name of

is licensed to operate a retail pharmacy

At the physical location _____

And Postal Address _____

With Supervising Pharmacist _____

Of Registration Number _____

Licence No _____ Valid up to _____

Fee paid U shs _____ Date _____

Registrar, Pharmacy Council

THIS LICENCE MUST BE PROMINENTLY DISPLAYED IN THE PREMISES TO WHICH IT REFERS

LICENCE TO OPERATE A WHOLESALE PHARMACY

THE PHARMACY COUNCIL

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

Licence To operate a Wholesale Pharmacy

This is to certify that the business trading under the name of

is licensed to operate a wholesale pharmacy

At the physical location _____

And Postal Address _____

With Supervising Pharmacist _____

Of Registration Number _____

Licence No _____ Valid up to _____

Fee paid U shs _____ Date _____

Registrar, Pharmacy Council

THIS LICENCE MUST BE PROMINENTLY DISPLAYED IN THE
PREMISES TO WHICH IT REFERS

LICENCE TO OPERATE A MEDICINE SHOP

THE PHARMACY COUNCIL

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

Licence To Operate a Medicine Shop

This is to certify that the business trading under the name of

is licensed to operate a medicine shop, category I/category II

At the physical location _____

And Postal Address _____

Under Supervision of Dispenser (Name) _____

Other person (specify) _____

Of registration no. _____

Licence No _____ Valid up to _____

Fee paid U shs _____ Date _____

Registrar, Pharmacy Council.

THIS LICENCE MUST BE PROMINENTLY DISPLAYED IN THE
PREMISES TO WHICH IT REFERS

CERTIFICATE OF REGISTRATION AS A PHARMACIST

THE REPUBLIC OF UGANDA

PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

CERTIFICATE OF REGISTRATION AS A PHARMACIST

Mr./Mrs./Miss./Dr./Prof. _____,

is registered as a Pharmacist in accordance with, section 26 of the
Pharmacy Profession and Pharmacy Practice Act, 2006

Given at _____ this _____ day of _____ 20____

Registration No. _____

Registrar, Pharmacy Council.

CERTIFICATE OF PROVISIONAL REGISTRATION
AS A PHARMACIST

THE REPUBLIC OF UGANDA

THE PHARMACY PROFESSION AND PHARMACY
PRACTICE ACT, 2006

CERTIFICATE OF PROVISIONAL REGISTRATION
AS A PHARMACIST

Mr./Mrs./Miss./Dr. _____

is provisionally registered as a Pharmacist to practice in Uganda while
working with _____ for a period of
_____ starting from this date of registration, in accordance with
section 28 (1) of The Pharmacy Profession and Pharmacy Practice Act, 2006.

Given at _____ this _____ day of _____ 20____

Registration No _____

Registrar, Pharmacy Council

FOURTH SCHEDULE

CODE OF ETHICS

Any act or omission, contrary to the following Code of Ethics, shall be regarded as professional misconduct. The Code of Ethics comprises ten principles and may be supplemented by more detailed obligations and guidance. The obligations shall prescribe the fundamental duties, to apply to all pharmacists and, where appropriate, persons lawfully conducting pharmacy business and the guidance shall be used in the interpretation of the Code of Ethics.

The Code of Ethics

1. A pharmacist's prime concern is the welfare of both the pharmacist's patient and other members of the public.
2. A pharmacist has to uphold the honour and dignity of the profession and must not engage in any activity, which may bring the profession into disrepute.
3. A pharmacist must at all times have regard to the laws and regulations applicable to pharmaceutical practice and maintain a high standard of professional conduct.
4. A pharmacist must avoid any act or omission, which impairs confidence in the pharmaceutical profession and must ensure efficiency for every pharmaceutical service provided.
5. A pharmacist must respect the confidentiality of information acquired in the course of professional practice relating to a patient and the patient's family and must not disclose the information to anyone without the consent of the patient or appropriate guardian, unless the disclosure is in the interest of the patient or the public.
6. A pharmacist must keep abreast with the progress of pharmaceutical knowledge in order to maintain a high standard of professional competence relative to his or her sphere of activity.

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7. A pharmacist must not agree to practise under any conditions which compromise his or her professional independence or judgement and must not impose such conditions on other pharmacists.
8. A pharmacist or pharmacy owner should, in the public interest, provide information about available professional services truthfully, accurately, and fully and a pharmacist must not use the publicity to claim or imply any superiority over the professional services provided by other pharmacists or pharmacies.
9. A pharmacist offering services directly to the public must do so in premises, which reflect the professional character of the pharmacy.
10. A pharmacist must at all times endeavour to co-operate with professional colleagues and members of the other health professions so that patients and the public may benefit.

FIFTH SCHEDULE

MEETINGS OF THE EXECUTIVE COMMITTEE

1. Convening meetings

The Executive Committee shall meet at places and times as may be decided upon by the Executive Committee but in any case, the Executive Committee shall meet at least once every two months.

2. Presiding

The President shall preside at a meeting of the Executive Committee and in absence of the President, the members present shall elect a member from among themselves to preside at the meeting.

3. Quorum

The quorum at a meeting of the Executive Committee shall be six members.

4. Decisions

A decision of the Executive Committee shall be reached by a majority of the votes of the members present and in the event of an equality of votes, the person presiding over the meeting shall have the casting vote in addition to his or her deliberative vote.

5. Disclosure of interest

(1) A member of the Executive Committee who has a direct or indirect pecuniary interest in a matter under consideration or about to be considered by the Executive Committee shall, as soon as possible, after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Executive Committee.

(2) A disclosure of interest under sub-paragraph (1) shall be recorded in the minutes of the Executive Committee and the member taking the disclosure shall not, unless the Executive Committee decides—

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(a) be present during any deliberation of the matter by the Executive Committee; and

(b) take part in the decision of the Executive Committee, on the matter.

6. Minutes

(1) The Executive Committee shall cause the minutes of the proceedings of all its meetings to be recorded and kept.

(2) The minutes of each meeting shall be confirmed by the Executive Committee and signed by the President at the next meeting.

7. Council may prescribe its own procedure

Except as otherwise provided in this Schedule, the Executive Committee may prescribe its own procedure.

SIXTH SCHEDULE

MEETINGS OF THE SOCIETY

1. Time of meetings

An annual general meeting shall be held once every calendar year during the month of September and in any case, not more than fifteen months after the previous meeting.

2. Place of meeting

The annual meeting of the Society shall be held in a place in Uganda determined by the Society.

3. Business at annual general meeting

An annual general meeting shall—

- (a) elect representatives to the Council and the Executive Committee; and
- (b) receive and consider the annual report of the Executive Committee, the accounts of the Society and the auditor's report.

4. Election of Council and Executive Committee

The Society shall after every three years, elect at its annual general meeting members of the Council and the Executive Committee.

5. Special meeting

The Executive Committee may, whenever it thinks fit, convene a special meeting of the Society within twenty-one days from the receipt by the Secretary of a requisition in writing signed by not less than ten members and stating the object of the proposed meeting.

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

(1) A member may bring before the annual general meeting of the Society a motion which is not related to the meeting, by sending a written notice of the proposed motion, which should be received by the Secretary not later than four weeks before the date of the annual meeting.

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(2) The proposed motion shall relate to matters affecting the Society or the profession of pharmacy.

7. Notice of meetings to be given to members

(1) The Secretary shall, not less than fourteen days and not more than twenty-one days before any annual general meeting or special meeting of the Society, send to each member a notice giving the day, time and place of the meeting and the business to be transacted at the meeting.

(2) In the case of an annual general meeting, the Secretary shall send to each member, the notice and a copy of the annual report of the Executive Committee.

(3) The proceedings of a meeting shall not be invalidated by the fact that any member did not receive a notice or of any of the documents in subparagraph (2).

8. Chairperson of meetings

(1) A meeting of the Society shall be chaired by the Chairperson of the Executive Committee, or in his or her absence, the Vice-Chairperson.

(2) In the absence of both the Chairperson and the Vice-Chairperson, a member of the Executive Committee shall be elected to act as Chairperson.

9. Quorum

(1) Unless ten members are present at the annual general meeting within thirty minutes after the time appointed for the meeting, the meeting shall be adjourned for two weeks, and shall then be held at the same time and place or, if the place is not available, at a place that the Executive Committee may determine.

(2) On the date to which the meeting was adjourned, the meeting shall proceed to transact business even where there are less than ten members present.

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

10. Adjournment

(1) Subject to the provisions of this Schedule, a Chairperson of any meeting of the Society, may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

(2) No business shall be transacted at any adjourned meeting other than the business left unfinished by the meeting at which the adjournment took place.

(3) No notice shall be given of an adjourned meeting unless it is directed in the resolution for adjournment.

11. Voting

(1) Every resolution and amendment proposed and seconded at a meeting of the Society shall be put to the meeting by the Chairperson and decided by a show of hands.

(2) Where there is an equality of votes, the person presiding shall have a casting vote.

(3) Subject to the provisions of paragraph 12, the declaration of the person presiding at a meeting, shall have the casting vote.

12. Procedure where a poll is demanded

(1) Where a declaration is to be made, a poll of all members may be demanded in writing by at least ten members present and entitled to vote at the meeting, but a poll shall not be taken on any resolution or amendment relating to the election of a Chairperson, the appointment of scrutineers or the adjournment of a meeting.

(2) Where a poll is demanded at a meeting of the Society, the Chairperson shall immediately, or as soon as is reasonably practicable state the resolution or amendment in the form of propositions which in his or her opinion is the most suitable to ascertain the substance of the resolution or amendment and the Chairperson's decision shall be final.

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(3) Voting papers setting out the propositions and any necessary notes and directions shall, within fourteen days after the meeting, be issued by the Executive Committee to all members entitled to vote at the meeting at which the poll was demanded.

(4) All members wishing to vote on the propositions or any of them shall do so by sending their voting papers to the Society addressed to the scrutineers and the voting papers have to be received by the scrutineers not later than twenty-one days after they are distributed.

13. Appointment of scrutineers of meeting

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

14. Meeting of scrutineers

(1) Where a poll has been demanded, the scrutineers shall meet, not less than twenty-one days and not more than twenty-nine days after the voting papers have been despatched to the members.

(2) Envelopes containing the voting papers shall be opened by the scrutineers at the meeting referred to in sub-paragraph (1).

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

(4) The scrutineers shall, as soon as practicable, report the result of the voting to the Chairperson of the meeting and shall include in the report a statement of the number of rejected votes and the reasons for rejecting them.

(5) The Chairperson shall send a copy of the report to each member as soon as practicable and, where there is an equality of votes, the Chairperson shall have a casting vote; and shall in such a case,

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declare in the report to members, the manner in which his or her casting vote is given and the result of the voting.

(6) The report of the scrutineers on the results of the voting, or the declaration of the Chairperson, shall be conclusive.

(7) The voting shall take effect from the date of the report of the scrutineers, but where a meeting was adjourned to receive the report of the scrutineers, the voting shall take effect from the date when the report was presented to the adjourned meeting.

(8) Where for any or her reason a Chairperson is unable to exercise any powers granted to him or her by this Schedule, the power shall be exercised by any member of the Executive Committee who was present at the meeting and who is allowed by the Executive Committee to exercise such powers.

15. Demand for poll not to prevent other business

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

16. Minutes of Meetings

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

Cross References

Allied Health Professionals Act, Cap 268.
Births and Deaths Registration Act, Cap 309.
Companies Act Cap 110.
Evidence Act Cap 43.
Medical and Dental Practitioners Act Cap 272.
National Drug Policy and Authority Act Cap 206.
Penal Code Act Cap 120.
Veterinary Surgeons Act Cap 277.