

BOARD NOTICE 202 OF 2019

THE SOUTH AFRICAN PHARMACY COUNCIL

THE RESTORATION REQUIREMENTS AND PROCESS FOR PHARMACISTS WHO HAVE BEEN REMOVED FROM THE REGISTER

Section 23 of the Pharmacy Act, 53 of 1974, read with Regulations 21 and 22 of the *Regulations relating to the registration of persons and the maintenance of registers* (GNR.1160 published on 20 November 2000) provides for the restoration of pharmacists who have been removed from the register of pharmacists. The South African Pharmacy Council hereby publishes for comment the **Restoration requirements and process for pharmacists who have been removed from the register.**

SCHEDULE

1. Restoration requirements and process for pharmacists who have been removed from the register.

In this notice "the Act" shall mean the Pharmacy Act, 53 of 1974 (as amended), and any expression to which a meaning has been assigned in the Act shall bear such meaning.

Interested persons are invited to submit within 60 days of publication of this notice, substantiated comments or representations to The South African Pharmacy Council, Private Bag X40040, Arcadia, 0007, or Fax 0865063010 or email: BN@sapc.za.org (for the attention of the Senior Manager: Legal Services and Professional Conduct).



**TA MASANGO
REGISTRAR**

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https://www.pharmcouncil.co.za/Legislation_Proposed



THE RESTORATION REQUIREMENTS AND PROCESS FOR PHARMACISTS WHO HAVE BEEN REMOVED FROM THE REGISTER

1. THE CURRENT REMOVAL AND RESTORATION PROCESS

In terms of the Pharmacy Act, 53 of 1974, the South African Pharmacy Council (SAPC) is responsible for the registration of pharmacy professionals as well as keeping the registers of such persons. To safeguard the public, registration with the SAPC is a pre-requisite to practice the pharmacy profession. It is a criminal offence to practise pharmacy without registering with the SAPC. In terms of the Pharmacy Act, the requirements and conditions for registration, removal, or restoration of the various categories of persons shall be prescribed.

1.1 Section 23 of the Pharmacy Act - Removal of name from, and restoration to register

- (1) The council may direct the registrar to remove from the register the name of any person-
 - (a) who has been absent from the Republic during the three years preceding such removal;
 - (b) who has failed to notify the registrar, within a period of three months as from the date of an enquiry sent by the registrar by registered letter to the address appearing in the register in respect of such person, of his present address;
 - (c) who has requested that his name be removed from the register, in which case such person may be required to lodge with the registrar an affidavit to the effect that no disciplinary or criminal proceedings are being or are likely to be taken against him;
 - (d) who has failed to pay to the council, within three months as from the date on which it became due for payment, any prescribed annual fee;
 - (e) who has failed to furnish the registrar, within a period to be determined by the council, with such information as the registrar may require in terms of regulations made under this Act; or
 - (f) whose name has been removed from the register, record or roll of any university, college, society or other body from which that person received the qualification by virtue of the holding whereof he was registered.
- (2) Notice of the removal, in terms of subsection (1), of his name from the register, or of the removal, in terms of section 14 (4), of an entry from the register, shall be given by the registrar to the person concerned by way of a registered letter addressed to such person at the address appearing in respect of him in the register and such person shall, as from the date on which notice has so been given, cease to practise as a pharmacist or to perform any act which he, in his capacity as a registered person, was entitled to perform, and any registration certificate issued to him shall be deemed to be cancelled, until such time as his name or the entry

removed from the register in terms of section 14 (4), as the case may be, is restored to the register.

- (3) The name of a person whose name has in terms of this section been removed from the register, or an entry removed from the register in terms of section 14 (4), shall be restored to the register by the registrar upon the person concerned-
- (a) applying on the prescribed form for such restoration;
 - (b) paying the fee prescribed in respect of such restoration (if any); and
 - (c) complying with such other requirements as the council may determine.

1.2 Regulations 21 and 22 of the *Regulations relating to the registration of persons and maintenance of registers* (GNR.1160 published on 20 November 2000)

21 Removal from the register-

- (1) Except as provided for in terms of sections 23, 24 and 39 of the Act, the registrar may remove from the register of pharmacists the name of a pharmacist-
- (a) who no longer complies with the requirements and conditions for registration as a pharmacist; or
 - (b) who is deceased.
- (2) A person in respect of whose entry a removal as contemplated in sub-regulation (1) (a) has been made, must be notified thereof and any certificate issued in respect of the registration in question shall be deemed to be cancelled as from the date on which notice has so been given.

22. Restoration to the register — A pharmacist whose name was removed from the register in terms of regulation 21 may, if applicable, have his or her name restored to the register by-

- (1) submitting to the registrar:
- (a) a duly completed application for restoration of his or her name to the register on a form as approved and provided by the council;
 - (b) acceptable documentary evidence that he or she complies with the conditions under which he or she was registered as a pharmacist; and
- (2) paying the prescribed restoration fee; and

if the registrar is satisfied that he or she is a fit and proper person to be restored to the relevant register. If the registrar is not satisfied that he or she is a fit and proper person to be restored to the relevant register, the registrar must submit the application concerned to the council for a decision.

RESTORATION PROCESS FOR PHARMACISTS WHO HAVE BEEN REMOVED FROM THE REGISTER OF PHARMACISTS FOR A SPECIFIED PERIOD

1. Persons who never left South Africa, who have been REMOVED, either voluntary or involuntary, from the register for a period of:

1.1 13 to 36 months	1.2 37 to 60 months	1.3 More than 60 months
(a) Submit an application for restoration form	(a) Submit an application for restoration form	(a) Submit an application for restoration form
(b) Pay the restoration fees, the required annual fee for the year of registration and any other outstanding fees	(b) Pay the restoration fees, the required annual fee for the year of registration and any other outstanding fees	(b) Pay the restoration fees, the required annual fee for the year of registration and any other outstanding fees
(c) Submit a Police Clearance certificate	(c) Submit a Police Clearance certificate	(c) Submit a Police Clearance certificate
(d) Provide a comprehensive Curriculum Vitae	(d) Provide a comprehensive Curriculum Vitae	(d) Provide a comprehensive Curriculum Vitae
(e) Be registered as an intern until the person fulfils all the conditions set out for restoration	(e) Be registered as an intern until the person fulfils all the conditions set out for restoration	(e) Be registered as an intern until the person fulfils all the conditions set out for restoration
(f) Perform 40 hours of practice in a community or institutional pharmacy (approved for training or Grade A pharmacy), under the direct personal supervision of a pharmacist, which practice shall be within three months of restoration, and the supervising pharmacist to submit a progress report.	(f) Perform 200 hours of practice in a community or institutional pharmacy (approved for training or Grade A pharmacy), under the direct personal supervision of a pharmacist, which practice shall be within three months of restoration, and the supervising pharmacist to submit a progress report.	(f) Perform 400 hours of practice in a community or institutional pharmacy (approved for training or Grade A pharmacy), under the direct personal supervision of a pharmacist, which practice shall be within six months of restoration, and the supervising pharmacist to submit a progress report.
(g) Complete 4 Continuing Professional Development entries	(g) Complete 6 Continuing Professional Development entries and be declared competent in 4	(g) Complete 8 Continuing Professional Development entries and be declared competent in 6
(h) Provide a personal development plan showing the identified additional education, training and experience in order to meet any gaps in knowledge and skills	(h) Provide a personal development plan showing the identified additional education, training and experience in order to meet any gaps in knowledge and skills	(h) Provide a personal development plan showing the identified additional education, training and experience in order to meet any gaps in knowledge and skills
(i) Submit a fitness to practice declaration	(i) Submit a fitness to practice declaration	(i) Submit a fitness to practice declaration
		(j) Pass the Pre-registration examination

Pharmacists who have been removed from the register for a period of less than 13 months are required to submit an application form for restoration, pay the restoration fee, the required annual fee for the year of registration and any other outstanding fees.

2. Persons who have been outside South Africa who have been REMOVED, either voluntary or involuntary, for a period of:

2.1 13 to 36 months	2.2 37 to 60 months	2.3 More than 60 months
(a) Submit an application for restoration form	(a) Submit an application for restoration form	(a) Submit an application for restoration form
(b) Pay the restoration fees, the required annual fee for the year of registration and any other outstanding fees	(b) Pay the restoration fees, the required annual fee for the year of registration and any other outstanding fees	(b) Pay the restoration fees, the required annual fee for the year of registration and any other outstanding fees
(c) Submit a Police Clearance certificate from each country they have been in	(c) Police Clearance certificate from each country they have been in	(c) Police Clearance certificate from each country they have been in
(d) Provide a comprehensive Curriculum Vitae	(d) Provide a comprehensive Curriculum Vitae	(d) Provide a comprehensive Curriculum Vitae
(e) Provide a certificate of good standing from the country where person was practising if applicable	(e) Provide a certificate of good standing from the country where person was practising if applicable	(e) Provide a certificate of good standing from the country where person was practising if applicable
(f) Be registered as an intern until the person fulfils all the conditions set out for registration	(f) Be registered as an intern until the person fulfils all the conditions set out for registration	(f) Be registered as an intern until the person fulfils all the conditions set out for registration
(g) Perform 40 hours of practice in a community or institutional pharmacy (approved for training or Grade A pharmacy), under the direct personal supervision of a pharmacist, which practice shall be within three months of restoration, and the supervising pharmacist to submit a progress report.	(g) Perform 200 hours of practice in a community or institutional pharmacy (approved for training or Grade A pharmacy), under the direct personal supervision of a pharmacist, which practice shall be within three months of restoration, and the supervising pharmacist to submit a progress report.	(g) Perform 400 hours of practice in a community or institutional pharmacy (approved for training or Grade A pharmacy), under the direct personal supervision of a pharmacist and the supervising pharmacist to submit a progress report.
(h) Complete 4 Continuing Professional Development entries	(h) Complete 6 Continuing Professional Development entries and competent in 4	(h) Complete 8 Continuing Professional Development entries and competent in 6
(i) Submit a fitness to practice declaration	(i) Submit a fitness to practice declaration	(i) Submit a fitness to practice declaration
(j) Provide a personal development plan showing the identified additional education, training and experience in order to meet any gaps in knowledge and skills	(j) Provide a personal development plan showing the identified additional education, training and experience in order to meet any gaps in knowledge and skills	(j) Provide a personal development plan showing the identified additional education, training and experience in order to meet any gaps in knowledge and skills
		(k) Pass the Pre-registration examination

Pharmacists who have been removed from the register for a period of less than 13 months are required to submit an application form for restoration, pay the restoration fee, the required annual fee for the year of registration and any other outstanding fees