



GNR.215 of 3 February 1978: Regulations relating to the appointment and business of office-bearers and committees of the council, meeting procedures and the manner in which the accounts of the council shall be kept

[Heading of the regulations substituted by GNR.493 of 1992.]

THE SOUTH AFRICAN PHARMACY COUNCIL

as amended by

Notice	Government Gazette	Date
R.2108	7820	2 October 1981
R.1171	8257	18 June 1982
R.1180	9257	15 June 1984
R.2738	10036	13 December 1985
R.493	13767	14 February 1992
R.2198	14192	7 August 1992

The Minister of Health, on the recommendation of the South African Pharmacy Council, hereby makes the following regulations in terms of section 49 (1) (b) and (c) of the Pharmacy Act, 1974 (Act 53 of 1974), as amended, in substitution for the regulations published under Government Notice R.673, dated 10 May 1963:

GENERAL NOTE

In terms of GNR.2738 of 1985, the word "Council" is substituted for the word "Board" wherever the latter occurs in the English text of GNR.215 of 1978.

ARRANGEMENT OF REGULATIONS

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ELECTION OF OFFICE-BEARERS

1. The following procedure shall be adopted when the members of the Council elect a president, a vice-president and a treasurer, in accordance with the provisions of section 8 (1) of the Act:

- (a) the members present shall elect a temporary chairman, by ballot if necessary, the ballot to be taken by the Registrar;
- (b) the meeting shall then proceed to elect a president by ballot;
- (c) any member may nominate a member by ballot for the office of president and when the temporary chairman has announced the names of the members so nominated, he shall take a ballot;
- (d) if only two members are nominated, the voting on the first ballot shall be final, except in the event of an equality of votes;
- (e) if more than two persons are nominated, the candidate obtaining the lowest number of votes at the first ballot shall be eliminated and thereafter successive ballots shall be taken and candidates eliminated until only two remain, when the ballot shall be final, except in the case of an equality of votes, whereupon a further ballot shall be taken and, if that be indecisive, the election shall be decided by drawing lots;
- (f) every vote given at such a ballot for a person who has not been nominated shall be invalid.

2. As soon as the President has been elected he shall take the chair and members shall then proceed to elect successively a Vice-President and a Treasurer in accordance with the procedure prescribed in paragraph 1 above.

FUNCTIONS OF OFFICE-BEARERS

3. President.—The President shall—

- (a) preside at all meetings of the Council and the executive committee of the Council and shall be responsible for the proper conduct of the meetings;
- (b) in addition to a deliberative vote, also have a casting vote;
- (c) be *ex officio* a member of all other committees of the Council, excluding the committee of investigation referred to in regulation 12 (1) (d), but he shall not preside at meetings of such other committees unless he is chairman of those committees in terms of regulation 12 (3) or in terms of any other regulations made under the Act.

[Reg. 3 amended by GNR.2108 of 1981, by GNR.493 of 1992 and substituted by GNR.2198 of 1992.]

4. Treasurer.—The Treasurer shall superintend the financial administration of the Council and shall, at the meeting held in January or February and, if he deems it necessary, at that which is held in July or August, submit a report on the Council's financial position, including details of income and expenditure.

MEETINGS

5.

[Reg. 5 substituted by GNR.1180 of 1984 and repealed by GNR.912 of 1994.]

6.

[Reg. 6 repealed by GNR.912 of 1994.]

7.

[Reg. 7 repealed by GNR.912 of 1994.]

8.

[Reg. 8 repealed by GNR.912 of 1994.]

9.

[Reg. 9 repealed by GNR.912 of 1994.]

10.

[Reg. 10 repealed by GNR.912 of 1994.]

11.

[Reg. 11 repealed by GNR.912 of 1994.]

12. (1) Subject to the Council's powers in terms of section 10 of the Act and subject to the provisions of regulation 3 the Council shall at its first meeting each year appoint the following committees:

- (a) an executive committee;
- (b) an education committee;
- (c) a practice committee;
- (d) a committee of preliminary investigation consisting of members who shall not also be members of the disciplinary committee referred to in subregulation (2) (a).

(2)

[Sub-reg. (2) deleted by GNR.912 of 1994.]

(3) Subject to the provisions of regulation 3 of the chairman of the various committees referred to in subregulation (1) shall be elected by the Council by ballot.

(4)

[Sub-reg. (4) deleted by GNR.912 of 1994.]

(5) The quorum for a committee of the Council shall be three.

[Sub-reg. (5) substituted by GNR.912 of 1994.]

(6) For the purposes of this regulation "members" shall also mean persons other than members of the Council: Provided that the majority of the members of a committee shall be Council members, unless the Council decides otherwise in terms of its powers under section 10 of the Act.

(7)

[Reg. 12 amended by GNR.2108 of 1981, by GNR.1180 of 1984, by GNR.2738 of 1985 and substituted by GNR.493 of 1992. Sub-reg. (7) deleted by GNR.912 of 1994.]

TERMS OF REFERENCE OF COMMITTEES

13. (1) The Executive Committee shall consider and deal with matters which, in the opinion of the President, require urgent attention and any act performed or decision taken by the Executive Committee shall be of force and effect unless it is set aside or amended by the Council at its next meeting.

(2) The Executive Committee shall exercise the powers and functions given to the Council by section 39 (2) of the Act.

(3) The Executive Committee shall consider and report on and, if necessary, deal with matters relating to registers, staff and the administration of the Council's offices, finance

and any other matters which fall outside the terms of reference of other committees: Provided that, if a matter falling within the terms of reference of another committee requires urgent attention, the Executive Committee may deal with it.

14. The Education Committee shall consider and report on all matters relating to pharmaceutical education and it may deal with matters delegated to it by the Council from time to time, including decisions about the results of diploma in pharmacy examinations, the minimum curricula and syllabuses for the degree and diploma courses, the evaluation of educational qualifications, the granting of exemption from diploma examinations and the inspection of pharmacy schools.

15. The Practice Committee shall consider and report on all aspects of the ethical rules, the professional and business aspects of community pharmacy practice and all aspects of hospital and industrial pharmacy.

16. The standing orders relating to the conduct of meetings of the Council shall apply, *mutatis mutandis*, to meetings of committees.

17. The committees shall meet at venues and on dates determined by their respective chairmen.

18. Meetings of committees shall not be open to the public.

MINUTES

19. The proceedings of meetings of the Council shall be preserved in the form of typewritten minutes, authenticated, after confirmation, at the next meeting by the signature of the Chairman.

20. Save as otherwise provided in these regulations—

- (1) the minutes of each meeting shall contain a résumé of the subjects dealt with and of such motions and amendments as have been proposed and adopted or negatived, with the names of the proposer and seconder, but without any comment or observation by the members;
- (2) the minutes of committees of the Council shall contain a résumé of the subjects dealt with and of the resolutions adopted, but without any comment or observations by the members.

21. The Registrar shall forward a copy of the minutes of each meeting, including the minutes of the standing committees of the Council, to all members of the Council as soon as reasonably possible after the meeting.

22. The minutes may be taken as read: Provided that any member may move that a certain minute shall be read with a view to such correction therein or addition thereto as may be found necessary.

FINANCIAL

23. All moneys received by the Council shall be deposited forthwith in the name of the South African Pharmacy Council in a current and imprest account at such bank as may be decided upon by the Council: Provided that the Council may invest such moneys in such manner as it deems fit. All cheques drawn on the Council's main bank account shall be signed by the Registrar or, in his absence, by the Deputy Registrar or the Assistant Registrar or a member of staff designated by the Council and any one of the following: the President, the Vice-President or the Treasurer; all cheques drawn on the imprest account shall be signed by the Registrar or the Deputy Registrar or the Assistant Registrar and one other member of staff designated by the Council.

[Reg. 23 amended by GNR.1171 of 1982.]

24. The Registrar shall keep true and accurate accounts of all income and expenditure and these accounts, which shall be audited at least once in every year by an auditor appointed by the Council, shall be closed on 31 December in each year and a balance sheet, duly audited, shall be submitted to the Council, together with the Treasurer's report thereon, at the first meeting each year.

25. The Registrar, as chief executive officer, shall sign, on behalf of the Council, all contracts approved by the Council.