

CONSTITUTION OF BRUNEI DARUSSALAM

(Order under section 83(3))

PHARMACISTS REGISTRATION ORDER, 2001

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CONSTITUTION OF BRUNEI DARUSSALAM

(Order under section 83(3))

PHARMACISTS REGISTRATION ORDER, 2001

In exercise of the power conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order –

Citation, commencement and long title.

1. (1) This Order may be cited as the Pharmacists Registration Order, 2001 and shall commence on a date to be appointed by the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan by notification in the *Gazette*.

(2) The long title of this Order is “An Order to provide for the registration of pharmacists and for purposes connected therewith”.

Interpretation.

2. In this Order, unless the context otherwise requires –

“annual certificate” means the certificate referred to in subsection (1) of section 15;

“Board” means the Pharmacy Board established under section 3;

“Chairman” means the person appointed as Chairman of the Board;

“Minister” means the Minister of Health;

“register” means the register of pharmacists maintained in pursuance of section 6;

“registered pharmacist” means a person whose name has been registered in the register;

BLUV as at 7th October 2010

“Registrar” means the Registrar of Pharmacists referred to in section 5.

Establishment and constitution of Board.

3. (1) For the purposes of this Order, there is hereby established a Pharmacy Board which shall consist of –

(a) the Director of Pharmaceutical Services *ex officio*, who shall be the Chairman;

(b) not less than 4 other members to be appointed by the Minister, being persons eligible to apply for registration under this Order, at least one of whom shall be in private service.

(2) The period of appointment of members, other than the Chairman, shall be 3 years, but such members shall be eligible for re-appointment.

(3) Notwithstanding subsection (2), the Minister may, at any time, in his discretion, suspend or terminate the appointment of any member of the Board, other than the Chairman, and may appoint another person in his place or in the place of any member who retires, dies, vacates his office, or who, for the time being, is unable to act or who is absent from 3 consecutive meetings of the Board without such excuse as may seem reasonable to the Minister; and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(4) All acts done by the Board shall, notwithstanding any vacancy in the Board or that it is afterwards discovered that there was a defect in the appointment of any person purporting to be a member thereof, be valid as if no such vacancy or defect had existed.

Meetings of Board.

4. (1) In the absence of the Chairman from any meeting of the Board, the members present shall elect from amongst themselves a person to be the chairman for that meeting.

(2) The chairman of a meeting shall have an original vote and also a casting vote.

(3) The Board shall meet at such places and times as the Chairman may appoint, and at a meeting 3 members shall form a quorum.

(4) No business shall be transacted at a meeting unless a quorum is present.

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

(6) The Board shall cause proper records of its proceedings to be kept.

Registrar of Pharmacists.

5. The Director of Pharmaceutical Services shall be the Registrar of Pharmacists, who shall be responsible for the maintenance and custody of the register and the performance of such other duties in connection therewith as may be necessary.

Register of pharmacists.

6. For the purposes of this Order, a register of pharmacists shall be in such form as the Board may determine and shall contain the names and addresses, and such other particulars, if any, as the Board may determine, of all persons who are registered therein.

Persons eligible for registration.

7. (1) Subject to this Order, the following persons shall be entitled to be registered under this Order – *[S 87/2010]*

(a) any person employed as a pharmacist by the Government at the date of commencement of this Order;

(b) any other person who holds any qualification granted in respect of pharmacy –

(i) which is recognised as entitling him to register with the Royal Pharmaceutical Society of Great Britain or who is the holder of such other qualification in pharmacy as the Board may declare, by notification in the *Gazette*, to be an approved qualification for the purpose of this section;

- (ii) who has complied with such conditions as the Board may determine; and
- (iii) who has satisfied the Board at an examination in forensic pharmacy that he is eligible to be registered under this Order.

(2) A candidate at an examination referred to in subsection (1)(b)(iii) shall pay such examination fee as is prescribed in the Schedule. *[S 87/2010]*

Application for registration.

8. (1) Any person eligible for registration under this Order may apply to the Board for registration. Every such application shall be made in such form and manner and accompanied by such documents, photographs and particulars, as the Board may determine.

(2) When such person has complied with the requirements of subsection (1) and has paid the fee as prescribed in the Schedule, the Chairman shall, subject to subsection (2) of section 9, enter his name in the register.

(3) The Board may refuse to enter in the register the name of any person who, in the opinion of the Board –

- (a) is not of good character and reputation; or
- (b) is unable to carry out the duties of a pharmacist effectively in Brunei Darussalam.

(4) No person shall be registered unless he has attained the age of 21 years.

Issue of certificates of registration.

9. (1) Where a person has had his name entered in the register pursuant to subsection (2) of section 8, the Board shall issue to him a certificate of registration in such form as it may determine.

(2) Where a person has had his name entered in the register subject to any restrictions and conditions, such restrictions and conditions shall be endorsed on his certificate of registration and the certificate so endorsed shall have effect subject to such restrictions and conditions.

(3) In respect of the year in which the certificate of registration is issued, that certificate shall be deemed to be the annual certificate issued under section 15 and the provisions of this Order relating to annual certificates shall apply to it.

Restriction on use of certain titles.

10. (1) No person shall, unless he is registered, take or use the name or title of pharmaceutical chemist, pharmacist, druggist, chemist, pharmacist, apothecary or any other word in any language having the same or similar meaning or being to the like intent, or take or use in connection with the sale of goods by retail the name or title of dispensing chemist or any other name, title, emblem or description implying that he or any person employed by him is registered or that he or such other person is entitled to be registered.

(2) A person who acts in contravention of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$1,000 and to a further fine of \$100 for every day during which the offence continues after conviction.

Entry of higher qualifications.

11. Every person registered under this Order who has obtained any higher pharmaceutical qualification than the qualification in respect of which he has been registered shall be entitled to have such higher qualification inserted in the register in substitution for or in addition to the qualification previously registered, without payment of any further fee.

Publication of register and presumptions.

12. (1) The Registrar shall publish in the *Gazette*, as soon as practicable after 1st January of each year and on such other occasions as he may consider necessary, a list containing the names, addresses, qualifications and dates of qualifications of all registered pharmacists.

- (2) In any proceedings –
- (a) the publication of a list under subsection (1) shall be *prima facie* evidence that the persons whose names appear therein are registered pharmacists;
 - (b) an annual certificate issued in pursuance of section 15 shall be admissible as *prima facie* evidence that the person named therein as a registered pharmacist is a registered pharmacist; and
 - (c) a certificate under the hand of the Registrar that the name of a person has been entered or removed from the register shall be conclusive evidence that the person is or is not registered under this Order, as the case may be.

Changes of particulars in register.

13. The Registrar shall insert in the register any change which may come to his knowledge in the name, address or other particulars of any registered pharmacist.

Retention of name in register.

14. (1) Every registered pharmacist who desires to be retained on the register shall, before the 30th November of the preceding year and on payment of the fee as prescribed in the Schedule, make application in such form as the Board may determine for such retention.

(2) A registered pharmacist who makes an application and payment pursuant to subsection (1) shall have his name retained in the register.

(3) A person who fails to make an application pursuant to subsection (1) but who subsequently does so and pays the prescribed fee referred to in that subsection and such additional fee, if any, as may be prescribed in the Schedule shall, subject to section 17, be entitled to have his name retained in the register during that year.

Annual certificate.

15. (1) Upon making an application and on payment of the prescribed fee pursuant to section 14, the applicant shall, subject to this Order, be entitled to a certificate certifying that he is registered under this Order.

(2) The annual certificate shall be in such form as the Board may determine.

(3) Subject to subsection (4), the annual certificate shall be issued by the Registrar and shall be in force from the date of issue to the end of the year.

(4) If the name of a person, to whom an annual certificate has been issued under this section, is removed from the register under section 16 or 17, the annual certificate shall cease to be valid.

Removal of name from register.

16. (1) The Registrar shall remove from the register the name and other particulars of a registered pharmacist who –

(a) has died;

(b) has failed to make an application for the retention of his name on the register before the expiry of the year in which the name is –

(i) registered under subsection (2) of section 8;

(ii) retained in the register under subsection (2) of section 14; or

(iii) restored to the register under subsection (1) of section 18;

(c) has failed to notify the Registrar of a change in his business address or has not supplied to him an address in Brunei Darussalam at which he can be found; or

(d) has been registered through an error as to his qualification for registration.

(2) For the purposes of paragraph (c) of subsection (1), a person failing to acknowledge within 3 months of the date of despatch, the receipt of a registered letter addressed to him at the last address supplied by him to the Chairman, shall be deemed not to have supplied the Registrar with an address under that subsection.

Powers of Board to cancel annual certificate and remove name from register.

17. (1) Subject to this section, the Board may direct that an annual certificate be cancelled and the name and other particulars of a registered pharmacist be removed from the register if –

- (a) he has been convicted of an offence involving fraud or dishonesty;
 - (b) he has been convicted of an offence under this Order;
 - (c) his registration has been obtained by fraud or misrepresentation;
 - (d) his qualification for registration under section 7 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
 - (e) he has been found guilty of an improper act or conduct as, after due inquiry by the Board, renders him, in the opinion of the Board, unfit to be a pharmacist;
- or
- (f) it appears to the Board that he is unable to carry out the duties of a pharmacist effectively in Brunei Darussalam.

(2) No direction shall be given under subsection (1) unless the Board has given the registered pharmacist to whom the direction relates an opportunity of being heard either personally or by counsel.

(3) A direction under subsection (1) shall not take effect until the expiration of one month from the date on which the direction has been communicated to the registered pharmacist to whom the direction relates or, where an appeal against the direction has been made to the Minister under section 19, until the appeal has been determined or withdrawn.

(4) Where a direction under subsection (1) takes effect, the Registrar shall make such alteration in the register as is necessary to give effect to the direction.

Restoration.

18. (1) Where the name of a person has been removed from the register under paragraph (c) of subsection (1) of section 16, the Board shall on receipt of the required information, restore the name to the register upon application in such form as the Board may determine and on payment of the fee as prescribed in the Schedule.

(2) Where a name removed from the register under paragraph (b) or (c) of subsection (1) of section 16 has been restored, such restoration shall, if the Board so directs, have effect from the date of the removal of the name.

Appeal against removal from register or refusal to register.

19. Any person aggrieved by the removal of his name from the register, or by any refusal or failure to enter his name in the register, or by any refusal to issue to him an annual certificate, or by the cancellation of his annual certificate, may appeal to the Minister whose decision shall be final.

Appointment and powers of Inspectors.

20. (1) The Minister may appoint such number of persons to be Inspectors as he may consider necessary for the purposes of this Order.

(2) When an Inspector has reasonable cause to believe that any offence under this Order has been or is being committed on any premises or in connection with any business carried on in any premises, he may, at all reasonable times, enter upon such premises and may search and examine such premises and may inspect, remove and detain any books, documents or other articles found therein which in the opinion of such Inspector may furnish evidence of the commission of an offence against this Order and may require any person conducting or managing any business of keeping, retailing, dispensing or compounding any poison, any substance or product specified in the First Schedule to the Misuse of Drugs Act (Chapter 27) or any other therapeutic substance to produce for his inspection any certificate issued to such person or his employer under this Order.

(3) Any person who obstructs or impedes an Inspector in the performance of his duties under this Order is guilty of an offence.

Exemption.

21. A registered pharmacist in public office shall be exempted from payment of any fee as prescribed pursuant to this Order.

Amendment of Schedule.

22. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may by order published in the *Gazette* amend the Schedule.

Fraudulent registration.

23. A person who, in an application for registration under this Order, makes, produces or causes to be made or produced, any false or fraudulent representation, certificate or declaration, either verbally or in writing, and any person who knowingly aids or assists therein is guilty of an offence and liable on conviction to a fine not exceeding \$1,000, imprisonment for a term not exceeding one year or both.

Offences.

24. Any person who contravenes or fails to comply with any provision of this Order or any rule made thereunder for which no special penalty is provided is guilty of an offence and liable on conviction to a fine not exceeding \$1,000, imprisonment for a term not exceeding one year or both.

Rules.

25. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules to carry out generally the objects and purposes of this Order.

SCHEDULE

sections 7, 8, 14 and 18

[S 87/2010]

Fees

Examination fee	\$100	[S 87/2010]
Registration fee	\$200	
Retention fee	\$100	
Restoration fee	\$150	

Made this 21st. day of Zulkaedah, 1421 Hijriah corresponding to the 15th. day of February, 2001 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

**HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN,
BRUNEI DARUSSALAM.**