

No. 220.

STANDING RULES OF THE PHARMACY AND POISONS BOARD.

PART I.—INTERPRETATION.

In these Standing Rules, unless the context otherwise requires—

“Authorized officer” means any person authorized as such under section 31 of the law ;

“Board” means the Pharmacy and Poisons Board constituted under the provisions of section 3 of the law ;

“Law” means the Pharmacy and Poisons Law, 1945 ;

“Chairman” means the Chairman of the Board ;

“Member or members” means a member or members of the Board ;

“Registrar” means the Registrar of the Board ;

“Register” means the registers kept under sections 6 and 15 respectively of the law ;

“the advocate of the Board” means the advocate appointed by the Board for the purposes of these Rules ;

“the person affected” means the registered pharmacist, company, owner of a pharmacy, pharmacist's representative or other person affected by any information or complaint received by the Board.

PART II.—MEETINGS OF THE BOARD.

2. All meetings of the Board shall be convened by the Chairman, by notice addressed to each member, and sent by hand or through the post.

3. The notice shall state the purpose of the meeting, whether for general business or for any (named) special business, and, at any meeting which is for special business, no business shall be entered on except that named in the notice, unless the Board by resolution agree to consider such business.

4. The Chairman shall send a copy of a provisional programme to each member not less than three days before the meeting.

5. Any notice of the motion to be inserted in the programme of business must be received by the Chairman at least six clear days beforehand.

PART III.—MINUTES.

6. The proceedings of the meetings of the Board shall be recorded in the form of minutes, which shall be authenticated, after confirmation, by the signature of the Chairman.

7. The minutes of each meeting from day to day shall be printed or otherwise reproduced, marked “confidential” until confirmed, and sent to each member.

8. The minutes shall be taken as read, provided that any member may move that a certain minute should be read with a view to such correction therein or addition thereto as may be found necessary.

9. No report from any Committee appointed by the Board shall appear in the minutes until it has been finally approved by that Committee and presented to the Board.

PART IV.—REGISTRATION OF PHARMACISTS.

10. When any person entitled to be registered as a pharmacist under the law applies to the Registrar, in the form approved by the Board, the Registrar shall deal with the matter as follows:—

- (a) if the applicant is a person who—
 - (i) was, on the date the law came into operation (1st January, 1947), registered under the provisions of the Pharmacy Laws, 1900 and 1926; or
 - (ii) is a holder of certificate of competency issued by the Board under the provisions of rule 17 of the Pharmacy (Examinations) Rules, 1947,
 he shall on receipt of the prescribed fee and on being satisfied that the applicant is of the age of twenty-one years or upwards, forthwith register the said applicant;
- (b) in all other cases he shall circulate the application together with such documentary evidence as may be required in support of the application to each member for his opinion and, if the majority of the members approve, he shall, on receipt of the prescribed fee and on being satisfied that the applicant is of the age of twenty-one years or upwards, forthwith register the said applicant.

PART V.—REGISTRATION OF PREMISES.

11.—(1) When an application is made by a registered pharmacist to the Registrar for registration of premises in accordance with the provisions of section 15 of the law, the Registrar on being satisfied, either by personal inspection of the premises of the applicant or by inspection made by an authorized officer, that the requirements of the Board have been complied with, he shall forthwith register the premises of the applicant.

(2) The requirements of the Board are satisfied if premises—

- (a) have proper floor;
- (b) have proper roof;
- (c) have adequate water supply;
- (d) have properly covered wastebin;
- (e) have suitable dispensing counter;
- (f) are clean and tidy to the satisfaction of an authorized officer.

(3) If the requirements of the Board contained in sub-clause (2) of this rule have not been complied with, the Registrar shall immediately inform the applicant in writing of his refusal to register his premises giving reasons of his refusal.

PART VI.—APPLICATION FOR DEALER'S LICENCE.

12. When an application is made to the Board for the issue of a Dealer's Licence as in section 25 (2) (a) of the law provided the Registrar shall, after obtaining, if necessary, from the applicant any information concerning his trade or business, the poisons to be sold or any other information he may think fit, circulate the same together with such information obtained from the applicant, if any, to each member of the Board for his opinion and if all members approve he shall forthwith issue the licence to the applicant.

PART VII.—APPLICATION FOR PERMIT TO IMPORT POISONS.

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13. When an application is made to the Board for the issue of a permit to import poisons as in regulation 3 of the Pharmacy and Poisons Regulations, 1946, provided the Registrar shall, after obtaining, if necessary, from the applicant any information concerning his trade or business, the poisons to be imported, the purpose for which the poisons will be used or any other information he may think fit, circulate the same together with such information obtained from the applicant, if any, to each member of the Board for his opinion and if all members approve he shall forthwith issue the permit to the applicant :

Provided that the Registrar may at his discretion grant to any person such permit to import any poisons if satisfied that such poisons are medicines which have been imported by such person for his personal use or for the use of his family.

PART VIII.—CASES ARISING OF CONVICTIONS OR MISCONDUCT.

14. When complaint is made to, or information is received by, the Board that—

- (a) a registered pharmacist has been convicted of such criminal offence, or been guilty of such misconduct, or of negligence in compounding, dispensing or selling drugs as renders him unfit to be on the Register ; or
- (b) a company which is carrying on the business of a pharmacist under section 16 of the law, has been convicted of an offence under the law ; or
- (c) a director, secretary, or a manager of a company carrying on the business of a pharmacist under section 16 of the law, have been convicted of such criminal offence, or been guilty of such misconduct or of negligence in compounding, dispensing or selling drugs as renders them, or would, if they were registered pharmacists, render them unfit to be on the register ; or
- (d) a pharmacist's representative carrying on the business of a pharmacist under section 17 of the law, has been convicted of such criminal offence, or been guilty of such misconduct, as would, if he were a registered pharmacist, render him unfit to be on the register,

the chairman shall submit same to the members of the Board for their opinion in the first instance as to the need of an enquiry.

15.—(1) Where the information in question is in the nature of a complaint charging misconduct such complaint shall be formulated in writing, addressed to the Registrar stating the grounds thereof, and shall be accompanied by one or more affidavits as to the facts of the case. If the complaint is made by or on behalf of a Government Department or public body, affidavits by the complainants may be dispensed with.

(2) Every affidavit must state the address and description of complaint and where a fact stated in a declaration is not within the personal knowledge of the declarant the source of his information and the grounds for his belief in its truth must be accurately and fully stated. Affidavits which are made in contravention of this rule will not be accepted as evidence.

16. The Board may, through the Chairman, invite the person affected to submit in writing any answer or explanation which he may wish or have to offer.

17. When the Board have considered the information, the evidence available and any answer or explanation submitted by the person affected they shall, after consultation with the advocate of the Board, deal with the matter as follows:—

- (a) if they are of opinion that the case is not within the jurisdiction of the Board, or that the complaint is of a frivolous character, or that the criminal offence or misconduct alleged is not of a serious nature, or owing to the lapse of time or other circumstances may properly be disregarded, or that the answer or explanation submitted by the person affected is satisfactory, they shall decide that the case shall not proceed further, but may, if they think fit, direct the Chairman to reprimand the person affected and caution him as to his future conduct ;
- (b) in any other case they shall direct the Chairman to take the necessary steps for the holding of an inquiry by the Board.

18. Where the Board has directed an inquiry to be held they shall instruct an advocate to investigate the facts of the case and present (or brief counsel to present) the case to the Board at the inquiry.

19.—(1) If the advocate instructed as aforesaid reports that, as a result of his investigations, he is of opinion that—

- (a) a *prima facie* case for inquiry is not made out ; or
 - (b) the holding of an inquiry would serve no useful purpose,
- the Board shall consider his report and decide whether an inquiry shall be held, and give such directions as they think fit.

(2) When the Board resolve that a case shall not proceed further the Chairman shall inform the complainant, if any, of the decision of the Board.

PART IX.—INQUIRIES.

20. Where directions have been given for an inquiry to be held, the advocate of the Board shall, not less than twenty-eight days before the date appointed for holding the inquiry, send to the person affected a notice specifying generally the matters into which the inquiry will be held, and stating the day, hour and place appointed for holding the inquiry. The notice shall be in the form set out in the Schedule hereto, with such variations as circumstances may require, or in a form to the like effect and shall be accompanied by copies of the Pharmacy and Poisons Law, 1945, and of these Standing Rules.

Where a complainant has undertaken to present his case to the Board, the advocate of the Board shall send to him copies of the notice and of the other documents mentioned above.

21. The notice required by the preceding rule shall be sent by the advocate of the Board by registered letter addressed to the person affected at his registered, or last known, address.

22. Either party shall for the purpose of his defence or reply, as the case may be, and upon request in writing for that purpose signed by himself or his advocate, be entitled to be supplied by the advocate of the Board, on payment thereof, with a copy of any affidavit, explanation, answer, or other document given or sent to the Board by or on behalf of the other party, which such other party will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charges contained in the notice of inquiry. The notice of inquiry shall draw the particular attention of the affected person to this rule.

23. The complainant, or if there is no complainant the advocate of the Board, and the affected person, may at any time prior to the date of holding the inquiry serve on the other a notice in writing asking if he is prepared to admit in writing any facts material to the complaint or defence in order that the expense of calling a witness or witnesses to prove such facts may be obviated.

24. Any answer, evidence, or statement forwarded, or application made, by the affected person between the date of the issue of the notice and the day named for the hearing of the charge, shall be dealt with by the Chairman in such manner as he, under the advice of the advocate of the Board, shall think fit.

25. The inquiry shall be opened in public, but, at any stage thereof, the Board may, if they think fit, decide to continue the hearing in private. The person affected and a complainant presenting his case to the Board may be represented by an advocate; alternatively, a company may be represented by a director or officer thereof.

26. At the opening of the inquiry the notice of inquiry shall be read and if the affected person be not present or represented the advocate of the Board shall satisfy the Board that the notice was duly sent to him as prescribed by these Rules.

27. Where a complainant appears personally, or by advocate the following will be the order of procedure:—

- (a) The complainant will be called upon by the Chairman to state his case, and to produce the evidence in support of so much of it as is not admitted. At the conclusion of the complainant's evidence his case will be closed.
- (b) The affected person will then be called upon by the Chairman to state his case and produce the evidence in support of it. He may address the Board, either before or at the conclusion of his evidence, but only once.
- (c) At the conclusion of the case of the affected person, the complainant may (if the affected person has produced evidence) address the Board in reply.
- (d) If the affected person has not produced evidence the complainant may not, without the special leave of the Board, address the Board in reply.

28. Where there is no complainant or no complainant appears, the following will be the order of procedure:—

- (a) The advocate of the Board will state the facts of the case and produce the evidence in support of so much of it as is not admitted.
- (b) The affected person will then be called upon by the Board to state his case, and to produce the evidence in support of it. He may address the Board, either before or at the conclusion of his evidence, but only once.
- (c) If the affected person has produced evidence, the advocate of the Board may be heard in reply.

29. Evidence may be taken by the Board by oral statement or by affidavits or written statements. Where a witness is produced by any party he shall be first examined by the party producing him, and then cross-examined by the other party and then re-examined by the party producing him. The Board shall disregard oral evidence given by any person who refuses to submit to cross-examination. They may, in their discretion, decline to admit the written statement or declaration of a person who is not present, and shall disregard it if, being present, he refuses to submit to cross-examination.

30. Members may put through the Chairman such questions to the parties or witnesses as they may think desirable.

31. On the conclusion of the case the Board shall deliberate in private ; but the Chairman shall announce their decision in public and may add such terms of reprimand as the Board shall think desirable.

32. In the event of an adjournment of the hearing to another session, the Board, on the case coming on again for consideration, may hear the affected person, and the complainant (if any), and receive such further evidence in relation to the charge as the Board shall think fit.

33. In the event of postponement of judgment to another session, the Board, on the case coming on again for consideration, may hear the affected person, and the complainant (if any), and receive such further evidence in relation to the conduct of the affected person to the hearing of the charge by the Board as they shall think fit.

34. Notice in writing shall be sent by the advocate of the Board to the affected person and to the complainant (if any) of the day fixed for the further consideration under rule 32 or rule 33, as the case may be, and shall request the attendance of the affected person and of the complainant (if any), on that day before the Board ; and the complainant and the affected person shall each be requested to furnish to the advocate of the Board, not less than three weeks before the day so fixed, a statement in writing, to be verified by affidavit, of any further facts or evidence admissible under rule 32 or rule 33, as the case may be, which he may desire to bring before the Board. The notice shall be sent so as to allow six weeks between the day on which it is sent and the day appointed for the further consideration. On receipt of any affidavit or other document furnished in pursuance of this notice the advocate of the Board shall forthwith send a copy thereof to the other party, who may thereupon, but not less than ten days before the day appointed for the further consideration, furnish to the advocate of the Board a statement in writing, verified by affidavit of any facts or evidence in reply thereto, and the advocate of the Board shall forthwith supply a copy thereof to the other party.

35. Except by leave of the Board no further facts or evidence presented or tendered by a party to the inquiry shall be received or considered or acted upon by the Board, unless a statement thereof has been previously furnished to the advocate of the Board.

36. The Registrar shall, upon the erasure of any name from the Register, forthwith send notice to the affected person by letter addressed to his last known, or registered address.

SCHEDULE.

Form of Notice.

NOTICE OF INQUIRY.

To (name).....

(address).....

“ Sir,

On behalf of the Pharmacy and Poisons Board of Cyprus I give you notice that information and evidence have been laid before the Board

by which the complainant makes the following charge or charges against you, namely :

or

that information and evidence have been received by the Board from which it appears :—

- (a) that you (set out briefly the facts alleged)
- (b) that in relation to the facts so alleged you—
 - (i) have been guilty of infamous conduct in a professional respect.
 - (ii) have been guilty of negligence in compounding, dispensing or selling drugs

that you were, on the day of convicted of the following offence at namely :

(set out particulars of the conviction)

And I further give you notice that on the day of, at p.m. the Board will hold an inquiry at the Director of Medical and Health Services' Office for the purpose of ascertaining the facts in relation to the matters aforesaid and, if thought fit, subject to the provisions of the Pharmacy and Poisons Law, 1945, directing—

- (a) In the case of a registered pharmacist the removal of your name from the Register.
- (b) In the case of a company carrying on the business of a pharmacist that you shall cease to be an authorized seller of poisons and be disqualified for such period as may be specified in the direction from being an authorized seller of poisons.
- (c) In the case of a pharmacist's representative that you shall cease to be an authorized seller of poisons and cease to be entitled to use the titles, emblems and descriptions which might have been used by the pharmacist.
- (d) In the case of a person applying for registration that your name shall not be entered in the Register.

You are requested to answer in writing the above charge or charges, and to attend before the Pharmacy and Poisons Board, at the above-mentioned place and time, to establish any denial or defence that you may have to make to it, and you are hereby informed that if you do not attend as required, the Pharmacy and Poisons Board may proceed and decide upon the said charge or charges in your absence.

Any answer, admission or other communication or application which you may desire to make respecting the said charge or charges, or your defence thereto, should be addressed to me and transmitted so as to reach me not less than days before the day appointed for the hearing of the case.

A copy of the Pharmacy and Poisons Law, 1945, and of the Standing Rules governing the procedure of the Pharmacy and Poisons Board are herewith enclosed for your information.

Advocate of the Pharmacy and Poisons Board. ”
(M.P. 980/49.)