

P.U. (A) 306/2004
REGISTRATION OF PHARMACISTS REGULATIONS 2004

Publication Date : 2 September 2004
Date of coming into operation : 2 September 2004

ARRANGEMENT OF REGULATIONS

Preamble.

PART I - PRELIMINARY

Regulation 1. Citation and commencement.
Regulation 2. Interpretation.

PART II - THE PHARMACY BOARD

Regulation 3. Appointment of Secretary.
Regulation 4. Meetings.

PART III - REGISTRATION OF PHARMACIST AND BODY CORPORATE

Regulation 5. Signature.
Regulation 6. Application for provisional registration.
Regulation 7. Certificate of satisfactory experience or exemption.
Regulation 8. Application for full registration.
Regulation 9. Certificate of registration.
Regulation 10. Temporary registration certificate.
Regulation 11. Registration of body corporate and superintendents of body corporate.
Regulation 12. Annual retention of pharmacists and body corporate on register.
Regulation 13. Registers of pharmacists and body corporate.

PART IV - DISCIPLINARY INQUIRY

Regulation 14. Complaint against a registered pharmacist and a body corporate.
Regulation 15. Committee of Inquiry.
Regulation 16. Investigation by the Committee of Inquiry.
Regulation 17. Summary dismissal of complaint or information.
Regulation 18. Inquiry by the Board.
Regulation 19. Appointment and payment of legal adviser.
Regulation 20. Members who are disqualified from any meeting of the Board inquiring into any disciplinary matter.
Regulation 21. Repeal.

SCHEDULE- FORMS

The Registration of Pharmacists Regulations 2004 [P.U. (A) 306/2004], which is referred to as the "extended subsidiary legislation" in this Order, made under the extended Act is extended to the Federal Territory of Labuan. See Federal Territory of Labuan (Extension and Modification of the Registration of Pharmacists Act 1951) Order 2009. P.U.(A) 421/2009

Preamble.

IN exercise of the powers conferred by section 22 of the Registration of Pharmacists Act 1951 [Act 371], the Board with the approval of the Minister makes the following regulations:

**PART I
PRELIMINARY**

Regulation 1. Citation and commencement.

- (1) These regulations may be cited as the Registration of Pharmacists Regulations 2004.
- (2) These Regulations comes into operation on 2 September 2004.

Regulation 2. Interpretation.

In these Regulations, unless the context otherwise requires—

"Committee of Inquiry" means the Committee of Inquiry established under regulation 14;

"therapeutic substances" means drug as defined in the Sale of Drugs Act 1952 [Act 368].

**PART II
THE PHARMACY BOARD**

Regulation 3. Appointment of Secretary.

- (1) The Board shall appoint a pharmacist in the public service to be the Secretary to the Board.
- (2) The Secretary shall not be a member of the Board.

Regulation 4. Meetings.

- (1) The Board shall regulate its own procedure of meetings.
- (2) No disciplinary case shall be considered at any such meeting unless copies of all available complaints and documents relevant to the complaints have been supplied to members of the Board at least seven days prior to the meeting.

(3) Members of the Board may be paid such expenses and allowances for attendance at meetings of the Board or Committee of Inquiry.

**PART III
REGISTRATION OF PHARMACIST AND BODY CORPORATE**

Regulation 5. Signature.

All certificates shall be signed by the Registrar.

Regulation 6. Application for provisional registration.

(1) Any person who is entitled to be provisionally registered and who desires to be provisionally registered, shall apply in Form 1.

(2) The Registrar may, before registering such person, require him—

(a) to produce a certified true copy of the original degree or if such degree is not available, an official transcript of such degree or such other proof of qualification as may be considered by the Board to be satisfactory;

(b) if the qualification referred to in his application is not one of the qualifications specified in the Schedule of the Act, to produce a document of qualification referred to under paragraph 6(1)(b) of the Act; and

(c) an evidence of identity.

(3) The certificate of provisional registration under section 6 of the Act shall be in Form 2.

Regulation 7. Certificate of satisfactory experience or exemption.

(1) The certificate of satisfactory experience issued by the Board under subsection 6A(2) of the Act shall be in Form 3.

(2) The certificate of exemption from employment issued by the Board under subsection 6A(7) of the Act shall be in Form 4.

Regulation 8. Application for full registration.

(1) Any person who is entitled to be fully registered and who desires to be fully registered, shall apply in Form 5.

(2) Every application for full registration shall be accompanied by—

- (a) a certificate of satisfactory experience issued under subsection 6A(2) of the Act;
- (b) a certificate of exemption issued under subsection 6A(7) of the Act; or
- (c) a certificate issued by the Minister under subsection 6B(3) of the Act;
- (d) two recent passport size photographs of the applicant; and
- (e) a fee of one hundred ringgit.

Regulation 9. Certificate of registration.

(1) The certificate of registration under section 6B of the Act shall be in Form 6.

(2) The photograph which shall be affixed to the certificate of registration shall be endorsed by the Registrar.

(3) Where the registration of any person is subject to any restriction and condition under subsection 6B(3) of the Act, the restriction and condition shall be attached in the certificate of registration of such person.

Regulation 10. Temporary registration certificate.

The temporary registration certificate under section 11A of the Act shall be in Form 7.

Regulation 11. Registration of body corporate and of superintendents of body corporate.

(1) A body corporate which is entitled to be registered under section 13 of the Act shall apply to the Registrar in Form 8.

(2) The certificate of registration of the body corporate shall be in Form 9.

(3) When the superintendent of a body corporate ceases to be employed by the body corporate, the body corporate shall return the certificate of registration to the Registrar, who may amend the certificate by inserting the name of the new superintendent.

Regulation 12. Annual retention of pharmacists and bodies corporate on register.

(1) Application for retention on the register under section 16 of the Act by any fully registered pharmacist or body corporate shall be made in Form 10 or Form 11, as the case may be, and where such application is approved, the annual certificate shall be in Form 12 or Form 13 respectively.

(2) The annual fee payable for retention on the register shall be fifty ringgit for a fully registered pharmacist and two hundred ringgit for a body corporate.

(3) The additional fee payable under subsection 16(5) of the Act shall be one hundred ringgit for a fully registered pharmacist and three hundred ringgit for a body corporate.

(4) Pharmacists in the public service and any pharmacist or class of pharmacists whom the Board considers fit shall be exempted from the payment of the annual fee for retention on the register.

Regulation 13. Registers of pharmacist and body corporate.

The register of provisionally registered pharmacists, fully registered pharmacists, temporary registered pharmacists or bodies corporate shall be kept in Form 14, Form 15, Form 16 or Form 17 respectively.

**PART IV
DISCIPLINARY INQUIRY**

Regulation 14. Complaint against a registered pharmacist and a body corporate.

(1) Any person who seeks to make a complaint against or submit an information of a registered pharmacist or body corporate shall make the complaint or submit the information to the Secretary of the Board, who shall then refer that complaint or information to the Board.

(2) Where the Board has received a complaint or information under subregulation (1) and it is satisfied that there may be sufficient grounds for the complaint or information, it shall appoint a Committee of Inquiry to investigate the complaint or information.

Regulation 15. Committee of Inquiry.

(1) Every Committee of Inquiry shall comprise of five fully registered pharmacists and each of them having a valid annual certificate.

(2) The Board may at any time revoke the appointment of any member of any Committee of Inquiry or may remove any member of any Committee of Inquiry or fill any vacancy in any Committee of Inquiry.

(3) The Board shall nominate a member of a Committee of Inquiry to be the Chairman of the Committee of Inquiry.

(4) The quorum of a Committee of Inquiry shall be three.

(5) The Chairman shall preside at all meetings of the Committee of Inquiry.

(6) The decision of a Committee of Inquiry shall be by a majority.

Regulation 16. Investigation by the Committee of Inquiry.

(1) Prior to the commencement of the investigations by the Committee of Inquiry, the Secretary of the Board shall forward a notice by registered post to the registered pharmacist or body corporate at his or its last known address, which shall—

- (a) state the complaint against or information of the registered pharmacist or body corporate;
- (b) require the registered pharmacist or body corporate to provide a written explanation regarding the complaint or information to the Committee of Inquiry the within such period as specified in the notice, but such period shall not be less than fourteen days from the date of the notice; and
- (c) request the registered pharmacist or body corporate to attend and give evidence before the Committee of Inquiry, where required to do so.

(2) The Committee of Inquiry shall, after the period as specified in paragraph (1)(b), commence the investigation of the complaint or information and shall give the registered pharmacist or body corporate reasonable opportunity to be heard, and due consideration shall be given to any explanation that may be given by the registered pharmacist or body corporate.

(3) The Committee of Inquiry shall upon completion of its investigation of the complaint or information, submit a report together with its recommendation to the Board for its consideration.

Regulation 17. Summary dismissal of complaint or information.

The Committee of Inquiry to which such complaint or information has been forwarded, may recommend to the Board to summarily dismiss any complaint or information if the Committee of Inquiry is satisfied—

- (a) that the name and address of the complainant or informant is unknown or untraceable;
- (b) that even if the facts were true, the facts do not constitute a matter provided under subsection 13(7) or 17(1) of the Act; or
- (c) for reasons which must be recorded, that there is reason to doubt the truth of the complaint or information.

Regulation 18. Inquiry by the Board.

(1) Upon receipt of a report from the Committee of Inquiry and on it's recommendation, the Board shall, where it is satisfied that there are grounds for the complaint or information against the registered pharmacist or body corporate—

- (a) cause a charge containing the facts of the complaint or information alleged to have been committed by the registered pharmacist or body corporate to be forwarded by registered post to him or it at his or its last known address;
- (b) request the registered pharmacist or body corporate to attend the inquiry to be convened by the Board in pursuant of subsection 13(7) or 17(1) of the Act; and
- (c) inform the registered pharmacist or body corporate that an opportunity to be heard may be given to him or it, where—
 - (i) in the case of the body corporate, it may be heard by a representative appointed in writing or by counsel;
 - (ii) in the case of any director, officer or other person in the employment of the body corporate, he may be heard either personally or by counsel; or
 - (iii) in the case of a registered pharmacist, he may be heard either personally or by counsel.

(2) Where the registered pharmacist or body corporate, without reasonable excuse, fails to attend the inquiry convened by the Board, the Board may proceed to hear the case notwithstanding the absence of registered pharmacist or body corporate, if the Board is satisfied that provisions of subregulation (1) have been complied with.

(3) The Board may regulate its own procedure in such a manner as it deems fit.

Regulation 19. Appointment and payment of legal adviser.

(1) The Board or Committee of Inquiry may appoint a legal adviser to assist the Board or Committee of Inquiry during any inquiry.

(2) The Board or Committee of Inquiry may appoint any person who is and has been advocate and solicitor for a period of not less than five years to advise it on—

- (a) all questions of law ensuing in the course of the inquiry; and
- (b) the meaning and construction of all documents produced during the inquiry.

(3) The legal adviser is entitled to be paid such fees as are from time to time fixed by the Board.

Regulation 20. Members who are disqualified from any meeting of the Board inquiring into any disciplinary matter.

No member of the Board or Committee of Inquiry shall attend or participate in any meeting of the Board or Committee of Inquiry inquiring into any disciplinary matter if—

(a) he is the complainant; or

(b) he is personally acquainted with any relevant fact.

Regulation 21. Repeal.

The Registration of Pharmacists Regulations 1953 [L.N. 260/1953] is repealed.

**SCHEDULE
FORMS**

Form 1

[Subregulation 6(1)]

APPLICATION FOR PROVISIONAL REGISTRATION

1. Full name of applicant:

2. NRIC No.:

3. Sex:

4. Date of birth:

5. (a) Residential address:
.....

(b) Address for postal communication (if different):.....
.....

6. Particulars of qualification:

(a) Description of qualification (in full):

(b) Institution which granted qualification:

(c) Date of qualification:

7. I attach the following documents in proof of my qualification and in support of this application:

(a) certified true copy of original degree, official transcript or document required under paragraph 6(2)(a) or 6(2)(b); or

(b) document in proof of having been selected for employment under subsection 6A(2) of the Registration of Pharmacists Act 1951 (subject to my being exempted); and

(c) certified true copy of identity card or any other evidence of identity.

I have not at any time been found guilty of an offence involving fraud, dishonesty or moral turpitude or an offence punishable with imprisonment (whether in itself only or in addition to or in lieu of a fine) for a term of one year or more.

I hereby declare that the particulars and documents attached, which relate to me, in this application are true and correct.

Date:

.....

Signature of applicant

Form 2

[Subregulation 6(3)]

CERTIFICATE OF PROVISIONAL REGISTRATION

Provisional Registration No.:

IT IS HEREBY CERTIFIED that
(NRIC No.:) of
holding the qualification of has on this day been provisionally
registered under paragraph 6(1)of the Registration
of Pharmacists Act 1951.

Date:

Registrar
Pharmacy Board Malaysia

Form 3

[Subregulation 7(1)]

CERTIFICATE OF SATISFACTORY EXPERIENCE

Serial No.:

IT IS HEREBY CERTIFIED that
(NRIC No.:) who holds Provisional Registration
No.: having been employed as a pharmacist
in(name of hospital/institution) during the period
from to have performed
satisfactorily and gained the experience as required under subsection 6A(2) of the Registration of
Pharmacists Act 1951.

Date:

Registrar
Pharmacy Board Malaysia

Form 4

[Subregulation 7(2)]

CERTIFICATE OF EXEMPTION FROM EMPLOYMENT AS A PHARMACIST UNDER SUBSECTION
6A(7) OF THE REGISTRATION OF PHARMACISTS ACT 1951

Serial No.:

IT IS HEREBY CERTIFIED that
(NRIC No.:) is exempted from employment as a pharmacist for
the period required under subsection 6A(7) of the Registration of Pharmacist Act 1951.

Date:

.....

Registrar
Pharmacy Board Malaysia

Form 5

[Subregulation 8(1)]

APPLICATION FOR FULL REGISTRATION

1. Full name of applicant:

2. NRIC No.:

3. Provisional registration No.:

4. (a) Residential address:
.....

(b) Address for postal communication [if different from (a)]:
.....
.....

5. I have gained experience as required under section 6A/been exempted under subsection 6A(7)* of the Registration of Pharmacists Act 1951 and attach the following documents as proof:

- (a) *certificate under subsection 6A(2) of the Registration of Pharmacists Act 1951;
- (b) *certificate of exemption issued under subsection 6A(7) of the Registration of Pharmacists Act 1951; or
- (c) *certificate issued by the Minister under subsection 6B(3) of the Registration of Pharmacists Act 1951.

6. I also attach:

- (a) 2 recent passport size photographs;
- (b) *cashier's cheque/postal order/money order No.:for a sum of RM100.00; and
- (c) certified copy of identity card or any other evidence of identity.

Date:

.....

Signature of applicant

**Delete whichever is inapplicable.*

Form 6

[Subregulation 9(1)]

CERTIFICATE OF REGISTRATION

Registration No.:

IT IS HEREBY CERTIFIED that

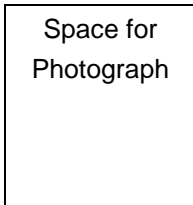
(NRIC No.:) of..... holding

the qualifications of has on this day been fully registered as a

pharmacist under section 6B of the Registration of Pharmacists Act 1951, subject to the following

restrictions and conditions:

.....
.....
.....



Date:

.....

Registrar
Pharmacy Board Malaysia

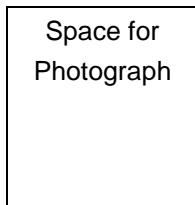
Form 7
[Regulation 10]

TEMPORARY REGISTRATION CERTIFICATE

Temporary Registration No.:

IT IS HEREBY CERTIFIED that (NRIC No.:) of holding the qualifications of is temporarily registered under section 11A of the Registration of Pharmacist Act 1951 from to, subject to the following restrictions and conditions:

.....
.....
.....



Date:

.....

Registrar
Pharmacy Board Malaysia

Form 8

[Subregulation 11(1)]

APPLICATION FOR REGISTRATION AS A BODY CORPORATE

1. Details of applicant:

- (a) Full name:
- (b) NRIC No.:
- (c) Position held:

2. Details of body corporate:

- (a) Name:
- (b) Principal business address:
- (c) Addresses of each branch of business as annexed (if any):

3. Details of superintendent:

- (a) Full name:
- (b) NRIC No.:
- (c) Certificate of Registration No.:
(a certified true copy is attached)

Date:
Signature of applicant

Form 9

[Subregulation 11(2)]

CERTIFICATE OF REGISTRATION OF BODY CORPORATE

Registration No.:

IT IS HEREBY CERTIFIED that
(name of the body corporate)
of and whose principal business is situated
at/ as listed in Annexure I as has on this day
been registered as a body corporate under section 13 of the Registration of Pharmacists Act 1951.

The name of superintendent is as in Annexure II.

Date:
Registrar
Pharmacy Board Malaysia

Form 10
(Regulation 12)

APPLICATION FOR RETENTION ON THE REGISTER OF PHARMACISTS

1. Full name of applicant (as in certificate of registration):

.....

2. NRIC No.:

.....

3. Residential address:

.....
.....

4. Address of place of practice:

.....
.....

5. (a) Certificate of registration No.:

.....

(b) Date of full registration:

.....

6. Last annual certificate No.:

.....

7. *Cashier's cheque/postal order/money order Nofor a sum of RM50.00.

Date:

.....

Signature of applicant

**Delete whichever is inapplicable.*

Form 11
(Regulation 12)

APPLICATION FOR RETENTION ON THE REGISTER OF BODY CORPORATE

1. Details of applicant:

- (a) Full name:
- (b) NRIC No.:
- (c) Position held:

2. Details of body corporate:

- (a) Name:
- (b) Principal business address:
.....
- (c) Addresses of each branch of business as annexed (if any):
.....
.....
- (d) Last annual certificate No.:

3. Details of superintendent:

- (a) Name :
- (b) Certificate of Registration No.:

4. *Cashier's cheque/postal order/money order No.for a sum of RM200.00.

Date:

.....

Signature of applicant

**Delete whichever is inapplicable.*

Form 12
(Regulation 12)

ANNUAL CERTIFICATE FOR PHARMACIST

Certificate No.:

IT IS HEREBY CERTIFIED that
(NRIC No.:) being a fully registered pharmacist, is hereby retained on the Register (subject to the restrictions and conditions stated in the certificate of registration) from to

Date:

Registrar
Pharmacy Board Malaysia

Form 13
(Regulation 12)

ANNUAL CERTIFICATE FOR BODY CORPORATE

Certificate No:

IT IS HEREBY CERTIFIED that is retained on the Register to carry on the business of keeping, retailing, dispensing and compounding poisons, dangerous drugs or therapeutic substances fromto

Date:

Registrar
Pharmacy Board Malaysia

Form 14
(Regulation 13)

REGISTER OF PROVISIONALLY REGISTERED PHARMACIST

Name and NRIC No.	Residential Address	Provisional Registration No.	Date of provisional registration	Certificate of exemption	Date of exemption	Qualification and date of qualification	Name and address of hospital/ institution	Date of completion of Employment under section 6A	Remarks

Form 15
(Regulation 13)

REGISTER OF FULLY REGISTERED PHARMACIST

Name	NRIC No.	Residential address	Qualification	Date of qualification	Remarks

Form 16
(Regulation 13)

REGISTER OF TEMPORARY REGISTERED PHARMACIST

Name	NRIC No.	Temporary Registration No. and date of registration	Country of origin	Residential address	Qualification and date of qualification	Period for Temporary Registration	Remarks/restrictions and conditions

Form 17
(Regulation 13)

REGISTER OF BODY CORPORATE

Name of body corporate	Address of business(es) of body corporate	Certificate No.	Date of registration	Name of Superintendent's	Superintendent Registration No. / Annual Certificate No.

Made 24 August 2004
[KK(R)-608(16); PN(PU2)200/II]

DATO' CHUA SOI LEK
Minister of Health

LIST OF AMENDMENTS

Amending law

Short title

In force from

-NIL-