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CHAPTER 23

CONTROL OF PHARMACISTS

JR 12 of 1953
JR 8 of 1954
JR 31 of 1966
Act 5 of 1983

ARRANGEMENT OF SECTIONS

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2. Constitution of Commission
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CONTROL OF PHARMACISTS

To impose controls upon the practice of pharmacists.

1. Prohibition of practice without a licence

No person shall practice or engage in the practice of a pharmacist (in this Act referred to as a "controlled occupation") unless he is in possession of a current licence issued by the Commission hereinafter by section 2 constituted and except in accordance with such conditions as may be contained in such licence.

2. Constitution of Commission

There shall be established a Pharmacists Practitioners' Commission (in this Act referred to as "the Commission") to exercise within Vanuatu the powers, duties and functions hereinafter in this Act specified and the Commission shall be composed of the Director of Health and one other medical officer.

3. Powers of Commission

The Commission shall receive applications from persons wishing to engage in Vanuatu in a controlled occupation and in relation to such applications shall have and exercise the following powers –

(a) if the Commission is of the opinion that the applicant has the qualifications and experience necessary to enable him to engage in a controlled occupation, to issue to him a licence permitting him to engage in the controlled occupation and such licence may be either unconditional or may impose conditions limiting the applicant's right to engage in the controlled occupation either as to the area in which he shall be permitted to do so or as to the extent or scope of such occupation;

(b) if the Commission is of the opinion that the applicant is not sufficiently qualified, either by reason of the lack of professional qualifications or experience or for any other reason does not appear to be a person fit to be granted a licence, to reject the application;

(c) if the Commission is of the opinion that a person to whom a licence has been issued under the provisions of this Act has misconducted himself in relation to the controlled occupation in respect of which a licence has been issued to him, or shows himself lacking in the degree of skill or attention necessary for the proper performance of his functions, or fails to comply with any of the conditions contained in the licence granted to him, without prejudice to any proceedings which may be instituted against him under the provisions of section 7, to revoke, withdraw or suspend such licence or to add to, alter, vary or otherwise amend any condition or conditions contained in such licence.

4. Licences

(1) A licence issued in accordance with the provisions of this Act shall be in writing, signed by both members of the Commission and shall bear the date of its issue and the name of the person to whom it is issued and shall specify the conditions (if any) imposed by the Commission in the exercise of the powers conferred upon it by paragraph (a) of section 3.

(2) A licence shall not be transferable.

(3) Subject to any exemption granted by the Minister responsible for health acting upon the recommendation of the Commission, a fee of VT 3,000 shall be paid in respect of

each licence issued to a person engaged in the controlled occupation whether such licence is issued with conditions or without:

Provided that no fee shall be required of a pharmacist employed by a mission or other charitable organization.

5. Payment of fees

(1) Subject to the proviso to section 4(3) no person shall be entitled to receive from the Commission a licence authorising him to engage in the controlled occupation except upon the production by him to the Commission or to some person authorised in writing by the Commission for that purpose of a receipt issued by the Treasury for the payment of the prescribed fee.

(2) No person having paid any such fee shall be entitled to claim any refund thereof or of part thereof by reason of the fact that his licence has been revoked, withdrawn, suspended, or surrendered by him before the normal date of expiry of such licence.

6. Exemptions

The provisions of section 1 of the Act shall not apply to a person appointed to engage in a controlled occupation by the Government.

7. Penalties

Any person guilty of contravening the provisions of section 1 of this Act shall upon conviction be liable to be punished by imprisonment up to 1 month or a fine of up to VT 30,000 or to both such imprisonment and fine and the Court may, in addition to any such punishment, order the cancellation of his licence.