

Nepal Pharmacy Council Act, 2057 (2000)

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Act number 14 of the year 2057 (2000)

An Act Made to Provide for the Nepal Pharmacy Council

Preamble: Whereas, it is expedient to establish a Nepal pharmacy council in order to make effective the pharmacy business by managing and operating it in a scientific manner;

Be it enacted by the Parliament in the twenty ninth year of the reign of **His Majesty King Birendra Bir Bikram Shah Dev.**

Chapter-1

Preliminary

1. **Short title and commencement:** (1) This Act may be called as the "Nepal Pharmacy Council Act, 2057 (2000 A.D.)".

(2) This Act shall come into force on such date as the Government of Nepal may, by a notification in the Nepal Gazette, appoint.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

(a) "Council" means the Nepal Pharmacy Council established under Section 3.

(b) "chairperson" means the chairperson of the Council.

(c) "member" means the member of the Council and this term also includes the chairperson of the Council.

(d) "drug" means a drug as referred to in the Drugs Act, 2035 (1978 A.D.).

(e) "pharmacist" means a person having obtained at least bachelor's degree in pharmacy or qualification equivalent thereto from a recognized educational institute.

- (f) “pharmacy assistant” means a person having obtained at least certificate degree in pharmacy or qualification equivalent thereto from a recognized educational institute.
- (g) “pharmacy profession” means a business of production of drugs, quality control of drugs, inspection and recommendation of drugs factories, selection of methods for storage and supply of manufactured drugs, supervision of supplies, registration of drugs and certification that a drug is useful, qualitative, efficacious and safe for consumption and this term also includes hospital pharmacy.
- (h) “registered pharmacist” means a pharmacist whose name is registered in the register.
- (i) “registered pharmacist assistant” means a pharmacist assistant whose name is registered in the register.
- (j) "register" means the registration book prepared pursuant to Section 15.
- (k) "registrar" means the registrar appointed or designated pursuant to Section 26.
- (l) “Thematic committee” means a subject committee formed pursuant to Section 32.
- (m) "prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Chapter-2

Establishment, functions, duties and powers of Council

3. **Establishment of Nepal Pharmacy Council:** The Nepal Pharmacy Council is hereby established in order to make effective the pharmacy business by managing and operating it in a scientific manner and also provide for the registration of names according to the qualification of pharmacists and pharmacy assistants.

4. **Council to be autonomous body:** (1) The Council shall be an autonomous body corporate with perpetual succession.

(2) The Council shall have a separate seal of its own for all of its activities.

(3) The Council may, like an individual, acquire, use, sell and dispose of, or otherwise manage, any movable and immovable property.

(4) The Council may, like an individual, sue by its name and be also sued by the same name.

5. **Formation of Council:** (1) The Council established pursuant to Section 3 shall consist of the members as follows:

(a) A person nominated by the Government of Nepal from amongst the pharmacists who, having obtained at least bachelor degree in pharmacy, have acquired least ten years of experience in pharmacy profession -Chairperson

(b) A pharmacist nominated by the Government of Nepal from amongst the senior pharmacist teachers in the educational institutions teaching pharmacy subject -Member

(c) Chairperson, Nepal Pharmaceuticals Association -Member

(d) Two pharmacists nominated by the Government of Nepal from amongst the renowned pharmacists engaged in the production, sale and distribution of drugs -Member

- (e) One person nominated by the Government of Nepal from amongst the chiefs of the professional organizations of pharmacists registered pursuant to the prevailing law -Member
- (f) Two senior pharmacists including one woman person nominated by the Government of Nepal, on recommendation of the Council -Member
- (g) The Drug Administrator as referred to in the Drugs Act, 2034(1978) -Member
- (h) Registrar -Secretary

(2) If the Council considers necessary, it may invite any expert in the field of pharmacy to attend, as an invitee, its meeting.

6. Term office of member: (1) The term of office of the members nominated to the Council shall be four years. After the expiry of their term, the members may be eligible to be re-nominated, subject to the other provisions mentioned in this Act.

(2) If the office of any member falls vacant prior to the expiration of the term of office, such vacancy shall be filled by the process as referred to in Sub-section (1) of Section 5, for the remainder of term.

7. Disqualification for membership: Any of the following persons shall not be eligible to be nominated to the office of member of the Council:

- (a) Who is not a citizen of Nepal;
- (b) Whose name has been deleted from the register;
- (c) Who has become insolvent;
- (d) Who has been convicted by a court of a criminal offense involving moral turpitude and served punishment; and
- (e) Who is of unsound mind.

8. **Cessation of membership of Council:** The membership of the Council shall cease to exist in the following circumstances:
- (a) If the member concerned becomes disqualified under Section 7;
 - (b) If resignation tendered by the member to the chairperson of the Council and by the chairperson to the Government of Nepal;
 - (c) If the member, without giving a prior notice along with reasons to the Council absents himself/herself from three consecutive meetings of the Council;
 - (d) If the member dies; and
 - (e) If the Government of Nepal removes the member nominated by the Government of Nepal, prior to the expiration of his/her term.
9. **Functions, duties and powers of Council:** The functions, duties and powers of the Council shall be as follows:
- (a) To prepare such policies, plans and programs as may be required to operate the pharmacy business in a managed and systematic manner and implement these policies.
 - (b) To give recognition to educational institutes teaching the pharmacy profession and the certificates granted by such institutes.
 - (c) To require details of the curricula, terms of admission, examination system of the educational institute teaching the pharmacy profession and other necessary details as to whether such institute has maintained the fixed standards; and, by fulfilling the procedures as prescribed, to withdraw recognition granted to the certificate and degree granted by the educational institute failing to maintain the standards.
 - (d) To fix qualifications required to carry on pharmacy profession, enter the name of a pharmacist and pharmacy assistant having possessed the fixed qualification in the register of the Council, as prescribed.

(e) By fulfilling the procedures as prescribed, to delete from the register the name of a registered pharmacist and pharmacy assistant who violates or fails to observe the prescribed professional code of conduct.

10. Meeting and decision of Council: (1) The Council shall normally hold its meeting once in three months; and the chairperson may, if he/she considers necessary, call meetings for more times.

(2) The meeting of the Council shall be held at such place, time and date as may be specified by the chairperson.

(3) The presence of more than fifty percent members of the total number of members of the Council shall be deemed to constitute a quorum for a meeting of the Council.

(4) The meeting of the Council shall be presided over by the chairperson, and by the person selected by the members present at the meeting from amongst themselves, in the absence of the chairperson.

(5) A majority opinion shall prevail at the meeting of the Council. In the event of a tie, the person presiding over the meeting may exercise the casting vote.

(6) The secretary shall record in the minute's book the agenda discussed at and decisions taken by the meeting of the Council, and such book shall be signed by the members present at the meeting.

(7) Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

Chapter-3

Provisions relating to registration of name

11. Prohibition on carrying on profession without registration of name:

After one year of the commencement of this Act, no person whose name is not registered in the Council shall carry on the pharmacy profession.

12. Application for registration of name: (1) A pharmacist or pharmacy assistant who intends to get his/her name registered in the Council has to make an application to the Council, in the prescribed format.

(2) A pharmacist and pharmacy assistant who are carrying on the pharmacy profession at the time of commencement of this Act has to make an application under Sub-section (1) for the registration of his/her name in the Council within six months after the date of commencement of this Act.

(3) A pharmacist or pharmacy assistant who makes an application pursuant to Sub-section (1) or (2) for the registration of his/her name has to attach the degree, certificate as well as other document and the fees as prescribed with the application.

13. Inquiry into application: The registrar shall make necessary inquiry into the application made pursuant to Section 12 and make a submission to the concerned thematic committee.

14. Examination of application and recommendation: (1) The thematic committee shall examine, as required, the application submitted by the registrar pursuant to section 13.

(2) If making examination pursuant to Sub-section (1), any matter appears to be unclear, the thematic committee may ask the concerned applicant to furnish necessary evidence and documents to make clear the related matters.

(3) It shall be the duty of the concerned applicant to submit the evidence and document as sought pursuant to Sub-section (2) to the thematic committee.

(4) If, based on the examination made pursuant to Sub-sections (1), (2) and (3), it appears proper to register the name of the applicant in the Council, the thematic committee shall make recommendation to the Council.

15. Registration of name: If it appears appropriate to register the name of the applicant recommended by the thematic committee for registration of name following making necessary examination pursuant to Section 14, the Council shall decide to register the name of such applicant in the register of the Council maintained in the format as prescribed.

16. Issuance of name registration certificate: (1) Where the Council makes decision to register the name of the applicant pursuant to Section 15, the registrar shall enter the name of such applicant in the register and provide the applicant with the name registration certificate in the prescribed format.

(2) In preparing the register pursuant to Sub-section (1), separate registers shall be prepared for the pharmacists and pharmacy assistants.

17. Information of decision not to register name: If the Council, in view of any reason for not registering the name of any applicant who has made an application for the registration of name in the Council, makes decision not to register the name, the registrar shall give information thereof the concerned applicant.

18. Deletion of name from register: (1) Except in any of the following circumstances, the name of a registered pharmacist and pharmacy assistant from the register:

- (a) where he/she has become insane;
- (b) where he/she has become insolvent;
- (c) where two-thirds majority of the Council adopt a resolution presented to a meeting of the Council for the deletion of the name of a pharmacist or pharmacy assistant on accusation that he/she has not observed the professional code of conduct as prescribed,

- (d) where he/she has been punished by a court in a criminal offense involving moral turpitude;
- (e) where the name of an unqualified person has been registered by fraud or mistake.

(2) Prior to the submission to the meeting of the Council of a resolution to delete the name of any registered pharmacist or pharmacy assistant on accusation as referred to in Clauses (c) and (e) of Sub-section (1), the Council shall form an inquiry committee to make necessary inquiry into such accusation made against such person and make a report thereon.

(3) The procedures to be adopted by the inquiry committee formed pursuant to Sub-section (2) shall be as prescribed.

19. Revocation of certificate: Where the Council decides to delete the name of any pharmacist and pharmacy assistant from the register, the registrar shall delete the name of such person from the register, revoke the certificate issued pursuant to Section 16 and give information thereof to the concerned person.

20. Re-registration of name: (1) Where the name of any registered pharmacist and pharmacy assistant has been deleted from the register on the accusation as referred to in Clauses (a), (b) and (c) of Sub-section (1) of Section 18, the concerned person may, showing a reasonable reason, make an application to the Council pursuant to Section 12 for the re-registration of his/her name, after at least one year of the date of such deletion.

(2) Where an application is made pursuant to Sub-section (1) for the re-registration of name, the Council may, if it deems it reasonable for the re-registration of his/her name, may decide to register his/her name.

(3) Where the Council decides to re-register the name of applicant pursuant to Sub-section (2), the registrar shall re-register the name of such applicant in the register and issue the certificate of re-registration of name in the format as prescribed.

Chapter-4

Recognition to educational degree and certificate

21. **Recognition to educational degree and certificate:** The Council shall recognize the educational degree and certificate in a subject related with pharmacy profession granted by any educational institute.
22. **Details to be sought:** (1) In the course of recognizing any educational degree and certificate pursuant to Section 21, the Council may require the concerned educational institute to submit the curriculum fixed for such educational degree and certificate and the terms of admission and other relate details.
- (2) It shall be the duty of the concerned educational institute to provide necessary details as sought by the Council pursuant to Sub-section (1).
23. **Inspection of examination:** (1) The office-bearer of the Council or an official designated by the Council may make inspection of the system of examination to be given by the educational institute recognized by the Council for purposes of giving recognition to any educational degree and certificate pursuant to Section 21.
- (2) In the course of inspection, the inspector deputed pursuant to Sub-section (1) shall not make any kind of intervention with any examination held by such educational institute.
- (3) The inspector making inspection of examination pursuant to Sub-section (2) shall prepare a report containing the matters noticed by him/her during inspection and submit it to the Council.
24. **Removal of recognition:** (1) If, in consideration of the details received from any educational institute, pursuant to Section 22, in respect of any educational degree and certificate recognized pursuant to Section 21 or the report received pursuant to Sub-section (3) of Section 23, the Council thinks that the curriculum, terms of admission and system of examination fixed by

such educational institute are not appropriate and adequate, the Council shall submit to the Government of Nepal a report, accompanied by its recommendation, on the matter.

(2) On receipt of the report submitted by the Council pursuant to Sub-section (1), the Government of Nepal may seek explanation from the concerned institute on that matter.

(3) Having considered explanation, if any, received from the concerned educational institute as sought pursuant to Sub-section (2) and holding further inquiry if so required, and based on such inquiry, among others, the Government of Nepal may give necessary direction to remove recognition to any educational degree and certificate granted by such educational institution after a certain date.

(4) Based on the direction given by the Government of Nepal pursuant to Sub-section (3), the Council shall make necessary decision.

(5) Where a decision has been made to remove the recognition of any education degree and certificate pursuant to Sub-section (4), a notice thereof shall be published in the Nepal Gazette.

Chapter-5

Provisions relating to functions, duties and powers of chairperson and registrar

25. **Provisions relating to functions, duties and powers of chairperson:** In addition to the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the chairperson shall be as follows:
- (a) To set priority of the agenda to be discussed at the meeting of the Council,
 - (b) To evaluate, or cause to be evaluated, the plans and programs operated by the Council and give necessary direction pertaining thereto,

- (c) To carry out, or cause to be carried out, the functions and activities of the Council in a managed, effective and smooth manner,
- (d) To carry out other functions as prescribed.

26. Registrar: (1) The Government of Nepal may appoint any pharmacist to the post of registrar of the Council or designate any pharmacist incumbent in the service of the Government of Nepal to act as the registrar in order to carry out the day-to-day administrative business of the Council.

(2) In addition to the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the registrar shall be as follows:

- (a) To carry out the general administration and management of the Council.
- (b) To make arrangement, or cause to be made arrangement, for the control, safeguard of the funds and management and maintenance of the properties of the Council,
- (c) To formulate annual programs and plans of the Council and submit the same to the Council,
- (d) To prepare annual incomes and expenditures of the Council,
- (e) To implement the budget, plan and program approved by the Council,
- (f) To make arrangement for the performance of the internal and final audit of the Council,
- (g) To act as a liaison officer amongst the Council and pharmacists and pharmacy assistants,

(3) The remuneration and facilities of the registrar shall be as prescribed.

Chapter-6

Fund of Council

27. **Fund of Council:** (1) The Council shall have a separate fund of its own.
- (2) The fund as referred to in Sub-section (1) shall consist of the following amounts:
- (a) Amounts received from the Government of Nepal,
 - (b) Loan, donation, aid or grant received from any native or foreign person, organization or government,
 - (c) Amounts obtained as the fee for the registration of name with the Council and updating of the name registration,
 - (d) Amounts received for the service provided on behalf of the Council,
 - (e) Amounts received from any other sources.
- (3) Prior approval of the Government of Nepal shall be obtained in obtaining loans, donation, aid or grant from any foreign person, organization or government pursuant to Clause (b) of Sub-section (2).
- (4) All amounts to be credited to the fund of the Council shall be deposited in an account to be opened with any commercial bank.
- (5) The operation of the fund and account of the Council shall be as prescribed.
28. **Accounts and audit:** (1) The accounts of the incomes and expenditures of the Council shall be maintained as prescribed.
- (2) The audit of the Council shall be performed as prescribed.
- (3) The Government of Nepal may, if it so desires, inspect, or cause to be inspected, the accounts of the fund of the Council at any time.

Chapter-7

Miscellaneous

- 29. Offense and punishment:** (1) A person who carries on the pharmacy profession without getting his/her name registered with the Council in contravention of Section 11 shall be deemed to have committed an offense under this Act, and such person shall be punished with a fine not exceeding Three Thousand Rupees or with imprisonment for a term not exceeding Three months or with both.
- (2) A person who commits any act in violation of this Act or the Regulation framed under this Act, other than the offense mentioned in Sub-section (1), shall be punished with a fine not exceeding Two Thousand Rupees.
- 30. Authority to investigate and file case:** The authority or body to investigate and file cases on the offenses referred to in Section 29 and the procedures pertaining thereto shall be as specified by the Government of Nepal by a notification in the Nepal Gazette.
- 31. Dissolution of Council:** (1) If the Government of Nepal thinks that the Council has failed to exercise the powers conferred to it pursuant to this Act or the Regulation or bye-law framed under this Act or has abused powers or used excessive powers or failed to perform its duties pursuant to this Act and the Regulation framed under this Act, it may dissolve the Council.
- (2) In the event of dissolution of the Council pursuant to Sub-section (1), the Government of Nepal shall take custody of the fund and other assets of the Council, and pending the formation of another council, it may itself perform all such powers as required to be performed by the Council pursuant to this Act and the Rules or cause to be exercised such functions by a committee formed by it.

(3) The Government of Nepal shall form a new council pursuant to Section 5 generally within three months after the dissolution of the Council pursuant to Sub-section (1).

(4) The Government of Nepal shall hand over the fund and assets held by it in its custody pursuant to Sub-section (2) to a new council after the formation of such council as per Sub-section (3).

32. Powers to form thematic committee: (1) The Council may, as per necessity, form various thematic committees.

(2) The functions, duties, powers and procedures of the thematic committees formed pursuant to Sub-section (1) shall be as specified by the Council.

33. Meeting allowances and other facilities of member: The meeting allowances and other facilities of the member and the chairperson and members of a thematic committee shall be as prescribed.

34. Employees of Council: (1) The Council may, as per necessity, appoint employees.

(2) The terms and conditions of service and facilities of the employees appointed pursuant to Sub-section (1) shall be as prescribed.

35. Liaison with the Government of Nepal: The Council shall liaise with the Government of Nepal through the Ministry of Health.

36. Powers to frame Rules and Bye-laws: (1) The Council may frame necessary Rules in order to carry out the objectives of this Act; and the Rules so framed shall come into force only after being approved by the Government of Nepal.

(2) The Council may frame necessary Bye-laws for the operation of its day-to-day business, subject to this Act and the Rules framed under this Act.