

NEPAL PHARMACY COUNCIL ACT, 2057 (2000)

AN ACT MADE TO CONSTITUTE AND MANAGE THE NEPAL PHARMACY COUNCIL

Preamble : Whereas, it is expedient to manage the Nepal Pharmacy Council to make effective the Pharmacy Profession through systematic and scientific operation;

Now, therefore, the Parliament in the 29th year of the region of His Majesty's King Birendra Bir Bikram Shah Dev, has made this Act.

Chapter - 1

Preliminary

1. Short Title and Commencement : (1) This Act may be called "Nepal Pharmacy Council Act, 2057 (2000)".

(2) This Act shall come into force from such date as His Majesty's Government may, by a notification in the Nepal Gazette, appoint.

2. Definition : Unless the subject or context otherwise requires, in this Act,-

- (a) "Council" means the Nepal Pharmacy Council established pursuant to Section 3.
- (b) "Chairman" means Chairman of the Council.
- (c) "Member" means member of the Council and this term also include Chairman of the Council.
- (d) "Drug" means drug in accordance with the Drugs Act, 2035 (1978).
- (e) "Pharmacist" means a person who has obtained minimum bachelor's degree or the qualification equivalent to that from the recognized educational institution on the pharmacy subject.
- (f) "Pharmacy assistant " means a person who has obtained minimum certificate or the qualifications equivalent to that from the recognized educational institution on the Pharmacy subject.
- (g) "Pharmacy Profession" means profession which certifies the manufacture of drugs, quality conservation inspection and recommendation of drug factories, selection of technology of storage and supply of manufactured drugs, supervision of supply, registration of drugs and usefulness, qualitative, effective and safe to use drugs and this term also includes Hospital Pharmacy.
- (h) "Registered Pharmacist" means pharmacist whose name has been registered in the Registration Book.
- (i) "Registered Pharmacy assistant" means Pharmacy assistant whose name has been registered in the Registration Book.

- (j) "Registration Book" means the Registration Book prepared pursuant to Section 15.
- (k) "Registrar" means the person appointed or designated pursuant to Section 26.
- (l) "Subject Committee" means the Subject Committee Constituted pursuant to Section 32.
- (m) "Prescribed" or "as prescribed" means prescribed or as prescribed under the rules framed there under this Act.

Chapter - 2

Establishment of the Council, Constitution, Functions, Duties and Powers

3. Establishment of the Nepal Pharmacy Council : The Nepal Pharmacy Council has been established to make effectiveness to the Pharmacy Profession through systematic and scientific operation and also for the management of name registration of the Pharmacist and Pharmacy assistant as per their qualification.
4. The Council to be autonomous : (1) The Council shall be an autonomous and corporate body having right of perpetual succession.
 - (2) The Council shall have a separate seal of its own for its whole functions.
 - (3) The Council may acquire, keep, use movable and immovable properties, dispose or arrange through other any means.
 - (4) The Council may, as an individual, sue or be sued.
5. Constitution of the Council : (1) The Council constituted pursuant to Section 3 shall have the members as follows :

(a)	Nominated by His Majesty's Government from among the Pharmacists who has minimum experience of ten years and obtained minimum of bachelor's degree on the subject of Pharmacy	- Chairman
(b)	One Pharmacist nominated by His Majesty's Government from among the senior pharmacist teachers of the educational institution where there will be study on the subject of Pharmacy	- Member
(c)	Chairman, Nepal Pharmasuitical Association	- Member
(d)	Two persons nominated by His Majesty's Government from among the renown pharmacists engaged in the act of manufacturing, sale and distribution of drugs	- Member

- (e) One person nominated by His Majesty's Government from among the Chief of professional institution of the Pharmacists registered according to the prevailing law - Member
- (f) Two senior Pharmacists along with a female pharmacist nominated by His Majesty's Government on the recommendation of the Council - Member
- (g) Drug Manager under the Drugs Act, 2035 (1978) - Member
- (h) Registrar - Member-Secretary

(2) The Council may, if it considers necessary, invite any expert so related in the sector of pharmacy to take part in its meeting.

6. Terms of Office of Member : The terms of office of nominated members of the Council shall be of four years. The member whose one terms of office has been terminated may be re-nominated subject to the other provision as mentioned this Act.

(2) If the position of any member falls vacant before termination of terms of office, the position so vacant shall be fulfilled for the remaining period through the process pursuant to Sub-section (1) of the Section 5.

7. Disqualification for Member : Any of the following persons shall be deemed to be disqualified to be nominated in the post of member of the Council :

- (a) Non-Nepalese Citizen,
- (b) Whose name has been removed from the Registration Book,
- (c) Who has become insolvent failing to pay the loan of creditor,
- (d) Who has been convicted and sentenced by the Court in a criminal case involving moral turpitude, and
- (e) Mentally disorder.

8. Condition of Termination of Membership : The membership of the Council shall be deemed to have been terminated in the following circumstances :

- (a) If disqualified pursuant to Section 7,
- (b) If the member tendered resignation before Chairman of the Council and the Chairman tendered resignation before His Majesty's Government,
- (c) If he is continuously absent three times in the meeting of the Council without informing the Council of a reasonable cause thereof,
- (d) In case of death, and
- (e) If the member nominated by His Majesty's Government has been removed by His Majesty's Government before termination of their terms of office.

9. Functions, Duties and Powers of the Council : The functions, duties and powers of the Council shall be as follows :
- (a) To prepare policy, plan and programme for the scientific management and operation of pharmacy profession and implement them.
 - (b) To give recognition to the educational institution which provides study in pharmacy profession and the certificate and degree awarded by such institution.
 - (c) To determine the standards of curricula, conditions for admission and examination system of the educational institution providing study of pharmacy profession, and ask the details as required whether standard so determined are maintained or not, and abrogate the certificate and degree awarded by the educational institution which do not comply with standard so determined after completing the procedures as prescribed.
 - (d) To determine the qualification as required to carry out Pharmacy Profession and register the name of Pharmacist and Pharmacy assistant as prescribed in the Registration Book of the Council who has completed the qualification so determined.
 - (e) To remove the name of Pharmacist and Pharmacy assistant from the Registration Book after the completion of the procedures as prescribed in case such registered Pharmacist and Pharmacy assistant violated or not observed the professional code of conduct as prescribed.
10. Meeting and Decision of the Council : (1) Generally, the meeting of the Council shall be held thrice a year and if the Chairman may, if he considers it necessary, call the meeting more time than the time as set forth above.
- (2) The meeting of the Council shall be held on the date, time and venue prescribed by Chairman.
- (3) The presence of more than fifty percent of the total number of members of the Council shall be deemed to have constituted the quorum of the meeting.
- (4) The Chairman shall preside the meeting of the Council and in his absence, a member selected by from among the member so present in the meeting shall preside the meeting.
- (5) The opinion of majority vote shall be valid in the meeting of the Council and in the event of tie, the Chairman of the meeting shall give decisive vote.
- (6) The agenda discussed in the meeting of the Council and the decision made as regards to such agenda shall have to record in the Minute Book and endorse the signature of the members so present in the meeting by the Secretary.
- (7) Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

Chapter - 3

Provision Relating to Name Registration

11. No Pharmacy Profession to be Carried out Without Name Registration : No one shall carry out the Pharmacy Profession without registration of name in the Council after one year from the date of commencement of this Act.
12. Application Required for Name Registration : (1) Any Pharmacist and Pharmacy assistant desiring to register name in the Council shall be required to submit an application before the Council in the format as prescribed.

(2) Any Pharmacist and Pharmacy assistant who has been operating Pharmacy profession at the time of commencement of this Act shall be required to submit an application pursuant to Sub-section (1) for the registration of name in the Council within six months from the date of commencement of this Act.

(3) Any Pharmacist and Pharmacy assistant submitting application to register name pursuant to Sub-section (1) or (2) shall be required to enclose therewith the application, degree, certificate including other documents obtained from the educational institution along with the fee as prescribed.
13. Scrutinization of Application : The Registrar having scrutinize as required into the application submitted pursuant to Section 12 shall be required to submit in the concerned Subject Committee.
14. Investigation of the Application and Recommendation : (1) The Subject Committee shall carry out investigation as required against the application submitted pursuant to Section 13.

(2) While making investigation pursuant to Sub-section (1), if any matter has been found unclear, the Subject Committee may ask concerned applicant for necessary evidence and documents in order to make clear the said matters.

(3) It shall be the duty of the person so concerned to submit the evidence and document so asked to the Subject Committee pursuant to Sub-section (2).

(4) While making investigation pursuant to Sub-section (1), (2) and (3), if it has been found that the name of the applicant is qualified to register in the Council, the Subject Committee shall recommend before the Council.
15. Name to be Registered : If the name of the applicant whose name has been recommended for registration in the Council after the investigation as required by the Subject Committee pursuant to Section 14 has been found appropriate, the Council shall decide to register the name of such applicant in the Registration Book of the Council in the format as prescribed.
16. Issuance of Name Registration Certificate : (1) The Registrar shall register in the Registration Book the name of the applicant whose name has to be registered as per the decision of the name registration of the Council pursuant to Section 15 and issue the name registration certificate to the applicant in the format as prescribed.

(2) While maintaining Registration Book pursuant to Sub-section (1), separate Registration Book shall be required to be prepared for Pharmacist and Pharmacy assistant.

17. Notification of the Decision Not to Register the Name to Be Given : If the decision has been made by the Council not to register the name of any applicant who has submitted an application for name registration in the Council owing to any reason, the Registrar shall be required to give notice thereof to the concerned applicant.
18. To Remove Name from the Registration Book : (1) No name of Pharmacist and Pharmacy assistant shall be removed from the Registration Book except in the circumstances as follows :-
- (a) Mentally disordered.
 - (b) Who has become insolvent failing to pay loan of the creditor.
 - (c) If a proposal brought before the meeting of the Council has been passed by two third majority vote for removal of the name of such Pharmacist and Pharmacy assistant from the Registration Book on the charge of violation of professional conduct as prescribed.
 - (d) If convicted and sentenced by the Court in a Criminal Case involving moral turpitude,
 - (e) If the name of unqualified person has been registered owing to fraud or mistake.
- (2) Prior to bringing a proposal before the Council for removal of name of any registered Pharmacist and Pharmacy assistant from the Registration Book on the charge pursuant to Clause (c) and (e) of Sub-section (1), the Council shall constitute a Inquiry Committee to submit a report having investigation as required as regards to the charge so made against such person.
- (3) The procedure to be followed by the Inquiry Committee so constituted during the investigation pursuant to Sub-section (2) shall be as prescribed.
19. Cancellation of Certificate be made : If the Council has decided to remove the name of any Pharmacist and Pharmacy assistant from the Registration Book Pursuant to Section 18, the Registrar by removing the name of such person from the Registration Book and canceling the certificate so issued pursuant to Section 16, a notice thereof shall be required to be given to the concerned person.
20. Re-registration of Name: If the name of any registered Pharmacist and Pharmacy assistant has been removed from the Registration Book on the charge pursuant to Clauses (a), (b) and (c) of Sub-section (1) of Section 18, the concerned person may submit an application pursuant to Section 12 for re-registration of name showing reasonable ground to the Council at least of one year from the date so removed.
- (2) If an application has been made for re-registration of name pursuant to Sub-section (1) and if the application so made has been found reasonable, the Council may decide to re-registrar the name of such person.
- (3) If the Council has decided to re-register the name of the applicant pursuant to Sub-section (2), the Registrar after having registered the name of such applicant in the Registration Book shall be required to issue the certificate of re-registrantion of name in the format as prescribed.

Chapter - 4

Recognition of Educational Degree and Certificate

21. **Recognition of Educational Degree and Certificate:** The Council shall give recognition to the educational degree and certificate awarded by any educational institution related on the subject of Pharmacy Profession.
22. **Details May be Asked:** (1) The Council, during the process of granting recognition to any educational degrees and certificate pursuant to Section 21, may ask with the concerned educational institution, for the curricula prescribed for such educational degrees and certificates and for the conditions prescribed for admission and other details so related.
- (2) It shall be the duty of concerned educational institution to provide the details as required by the Council pursuant to Sub-section (1).
23. **Inspection of Examination:** (1) Any official of the Council or any officer assigned by the Council may inspect the Examination system conducted by any educational institution recognized by the Council for the purpose of granting recognition of any educational degree and certificate pursuant to Sub-section 21.
- (2) The Inspector assigned pursuant to Sub-section (1) shall not be allowed to make intervention in the examination conducted by such educational institution during the process of examination.
- (3) The Inspector so assigned to inspect the examination pursuant to Sub-section (1) shall be required to prepare mentioning thereof the details of the matters found by him during the process of inspection of the examination system and submit it to the Council.
24. **Abrogation of Recognition:** (1) While considering over the details obtained from the concerned educational institution pursuant to Section 22 as regards to any educational degree and certificate recognized pursuant to Section 21 or the report so obtained pursuant to Sub-section (3) of Section 23, the curricula so prescribed by such educational institution, conditions for admission and the process of conducting examination has not been found adequate, the Council may submit its report as regards to thereof to His Majesty's Government.
- (2) His Majesty's Government may seek clarification with the concerned institution as regards to thereof after obtaining the report of the Council pursuant to Sub-section (1).
- (3) His Majesty's Government having considered over the clarification obtained as sought with the educational institution pursuant to Sub-section (2) conduct the inquiry as required if any other inquiry to be made thereof and also on the basis of said inquiry, His Majesty's Government may give directive to the Council, to abrogate any educational degree and certificate recognized after specific date by such institutions.
- (4) The Council shall decide as required, on the basis of the directives made by His Majesty's Government pursuant to Sub-section (3).
- (5) If the decision has been made to abrogate recognition of any educational degree and certificate pursuant to Sub-section (4), the notice thereof shall be published in the Nepal Gazette.

Chapter - 5

Provision Relating to Functions, Duties and Powers of Chairman and Registrar

25. Functions, Duties and Powers of Chairman : In addition to the functions, duties and powers otherwise mentioned in this Act, the Chairman shall have the functions, duties and powers as follows:-
- (a) To determine priority of the agenda to be discussed in the meeting of the Council,
 - (b) To monitor and evaluate or cause to monitor or evaluate the plan and programmes operated by the Council and give directives as required thereon.
 - (c) To operate the functions and proceedings of the Council systematically, effectively and smoothly,
 - (d) To carry out other functions as prescribed.
26. Registrar : (1) His Majesty's Government may, appoint to any Pharmacist as Registrar of the Council or designate to any Pharmacist who is rendering service to His Majesty's Government as Registrar of the Council in order to carry out daily functions and proceedings of the Council.
- (2) In addition to the functions, duties and powers otherwise mentioned in this Act, the Registrar shall have the functions, duties and powers as follows:-
- (a) To carry out the General Administration and managerial function of the Council,
 - (b) To manage or cause to manage supervision, control the fund of the Council, manage and maintain its assets.
 - (c) To frame the annual programme and plan of the Council and submit it to the Council,
 - (d) To prepare the details of annual income and expenditure of the Council,
 - (e) To implement the budget, plan and programme approved by the Council,
 - (f) To arrange the internal and final auditing of the Council,
 - (g) To carry out the function as liaison officer between the Council, Pharmacist and Pharmacy assistant,
 - (h) To carry out or cause to carry out other functions as directed by the Council,
 - (i) To carry out other functions as prescribed.
- (3) The remuneration and facilities of the Registrar shall be as prescribed.

Chapter - 6

Fund of the Council

27. Fund of the Council : (1) The Council shall have its own separate fund.
- (2) The following amount shall be deposited in the fund pursuant to Sub-section (1):-
- (a) An amount obtained from His Majesty's Government,
 - (b) An amount obtained as loan, donation, assistance, grant, or gift from any native or foreign person, institution or government,
 - (c) An amount obtained from the name registration and updating name registration in the Council,
 - (d) An amount obtained for the service made available on behalf of the Council,
 - (e) An amount obtained from other any sources.
- (3) The Council shall be required to take pre-approval of His Majesty's Government before obtaining the loan, donation, assistance, grant or gift from any foreign national, institution or government pursuant to Clause (b) of Sub-section (2).
- (4) The amount obtained to the fund of the Council shall be required to be deposited in any commercial bank by opening an account.
- (5) The fund and account of the Council shall be operated as prescribed.
28. Account and Auditing : (1) Account of income and expenditure of the Council shall be maintained as prescribed.
- (2) Auditing of the Council shall be as prescribed.
- (3) His Majesty's Government, if so wish may inspect or cause to inspect the act relating to account book of the fund at any time.

Chapter - 7

Miscellaneous

29. Crime and Punishment : (1) If the Pharmacy Profession has been carried out against Section 11 without the name registration in the Council, it shall be deemed to have been committed the crime as per the Act and the person so committing such crime shall be punished with an imprisonment upto three months or a fine upto three thousand rupees or both.
- (2) If any person has carried out any act against this Act or Rule or Bye-laws framed thereunder, other than as set-forth in Sub-section (1), such person shall be fined upto two thousand rupees.

30. Inquiry, Investigation and Adjudicating Officer : His Majesty's Government by a notice publishing in the Nepal Gazette shall prescribe the Officer or authority to make inquiry and investigation of the crime pursuant to Section 29 and proceed the case thereof.
31. Dissolution of the Council: (1) His majesty's Government may dissolve the Council, if His Majesty's Government deems that the Council has failed to exercise or misused in excess of its powers conferred to it under this Act or the Rules or Bye-laws or unable to perform its duties under this Act or the Rules framed thereunder.
- (2) If the Council has been dissolved pursuant to Sub-section (1), His Majesty's Government shall keep the fund and property of the Council in its responsibility as to be carried out by the Council or cause to carry out by the Constitution of any Committee.
- (3) His Majesty's Government normally within three months of the dissolution of the Council under Sub-section (1), shall constitute another Council pursuant to Section 5.
- (4) If another Council has been constituted pursuant to Sub-section (3), His Majesty's Government shall handover the fund and property taken under its responsibility pursuant to Sub-section (2) to such Council.
32. Subject Committee May Be Constituted : (1) The Council may constitute various Subject Committees as and when required.
- (2) The functions, duties, powers and proceedings of the Committees to be constituted pursuant to Sub-section (1), shall be as prescribed by the Council.
33. Allowances and other Facility of Member : Allowances and facilities to be obtainable by member of the Council, Chairman and members of the Subject Committee shall be as prescribed.
34. Employees of the Council : (1) The Council may appoint the employees as per necessity.
- (2) Service, condition and facilities of the employees appointed pursuant to Sub-section (1) shall be as prescribed.
35. Contact with His Majesty's Government : The Council shall be required to contact with His Majesty's Government through Ministry of Health.
36. Power to Frame Rules and Bye-laws : (1) The Council may frame necessary Rules for the purpose of implementation of the objective of this Act and the Rule so framed shall come into force after approval from His Majesty's Government.
- (2) The Council may frame Bye-laws under the Act or the Rules framed thereunder this Act for the operation of daily function of the Council.

Date of Royal Seal : 2057-10-18-4 (Wednesday, Jan. 31, 2001)

By order,

Udaya Nepali Shrestha

Secretary of His Majesty's Government