

# The Pharmacy Ordinance, 1976

( Ordinance NO. XIII OF 1976 )

## An Ordinance to establish a Pharmacy Council to regulate the practice of pharmacy.

WHEREAS it is expedient to establish a Pharmacy Council to regulate the practice of pharmacy and to provide for matters connected therewith and incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

- Short title** 1. This Ordinance may be called the Pharmacy Ordinance, 1976.
- Definitions** 2. In this Ordinance, unless there is anything repugnant in the subject or context,-
- (a) “approved” means approved under section 18 or, as the case may be, section 19;
- (b) “Council” means the Pharmacy Council of Bangladesh established under section 3;
- (c) “medical institution” means an institution whose medical qualifications are recognised under the Medical Council Act, 1973 (XXX of 1973);
- (d) “pharmacist” means a person who, for a fee, salary or other consideration paid to him or to another person on his behalf, manufactures, prepares, distributes, sells, or serves any prescription for, any medicine, drug or pharmaceutical preparation.
- Establishment of the Council** 3. (1) As soon as may be after the coming into force of this Ordinance, the Government shall, by notification in the official Gazette, establish a Council to be known as the Pharmacy Council of Bangladesh.

(2) The Council shall be a body corporate having perpetual succession and common seal, with power, among others, to acquire, hold and dispose of property, and shall by its name sue and be sued.

**Composition  
of the  
Council**

4. (1) The Council shall subject to the provisions of sub-section (2), consist of the following members, namely:ÖÇö

(a) Secretary, Ministry of Health, Population Control and Family Planning, ex-officio, who shall, unless the Government appoints any other officer to be the President, also be the President of the Council;

(b) the officer, if any, appointed under clause (a) to be the President of the Council;

(c) Directors of Health Services, ex-officio;

(d) Head of the Department of Drug Administration, ex-officio;

(e) Head of the Department of Pharmacy in the University of Dhaka, ex-officio;

(f) four persons to be so nominated by the Government that one of them is a Professor of Medicine and one is a Professor of Pharmacology of medical institutions in Bangladesh <sup>1</sup>[and one is a qualified pharmacist];

(g) one qualified pharmacist to be nominated by the Bangladesh Aushad Shilpa Samity;

(h) one person to be nominated by the Bangladesh Medical Association;

(i) one qualified pharmacist to be nominated by the Bangladesh Chemists and Druggists Samity;

(j) three persons to be nominated by the Pharmaceutical Society of Bangladesh registered under the Societies Registration Act, 1860 (XXI of 1860).

(2) The Government may, by notification in the official Gazette, increase or decrease the number of persons to be nominated by it under <sup>2</sup>[clause (f)] of sub-section (1):

Provided that the decrease in the number of members shall not affect the continuance in office of, and the performance of functions by, any member until the expiry of his term.

**Disqualification  
for  
membership**

5. A person, other than a Professor of a medical institution, shall not be eligible for nomination as a member of the Council unless he is a registered pharmacist:

Provided that, for the purpose of the constitution of the first Council, a person who is qualified to be registered as a pharmacist under this Ordinance, shall be eligible for such nomination.

**Publication  
of names**

6. The Government shall publish in the official Gazette the names or the official titles of the members of the Council.

**Term of  
office**

7. (1) Subject to the provisions of sub-section (2), a member other than an ex-officio member shall hold office for a period of three years commencing on the day on which he assumes office and shall be eligible for re-nomination:

Provided that, notwithstanding the expiry of his term, a member shall continue to function until his successor assumes office.

(2) Where the Government, upon the recommendation of a majority of the members of the Council, is satisfied that a member other than ex-officio member of the Council is negligent in the discharge of his duties or is guilty of any professional or dishonourable conduct or is otherwise not competent to perform the functions of a member, it may, by notification in the official Gazette, remove such member; and upon the publication of such notification the office of the member shall become vacant.

**Filling of  
casual  
vacancy**

8. A casual vacancy caused by the death, resignation or removal of a member shall be filled for the remainder of the term of such member, not being less than six months, by nominating another person in his place in the same manner in which such member was nominated.

**Vacancy,  
etc., not to  
invalidate  
the  
proceedings  
of the  
Council**

9. No act or proceedings of the Council shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the composition of, the Council.

**Election of  
Vice-  
President**

10. (1) The Council shall elect every year one of its members other than an ex-officio member to be the Vice-President of the Council and the Vice-President so elected shall hold office for a period of one year and shall be eligible for re-election:

Provided that the Vice-President shall, notwithstanding the expiry of his term, continue to function until his successor is elected and assumes office.

(2) The Vice-President shall perform such functions as may be entrusted to him by the Council and, in the absence of the President, also the functions of the President.

**Committees  
of the  
Council**

11. (1) The Council may constitute such Committees as it deems fit for the purpose of advising it in the performance of its functions.

(2) A Committee constituted under sub-section (1) may co-opt as its member any person whose assistance or advice it may consider necessary for the efficient performance of its functions.

**Meetings of  
the Council**

12. (1) The Council shall meet at such time and place, and a meeting of the Council shall be summoned and conducted in such manner, as may be laid down by its regulations:

Provided that, until such regulations are made, the President of the Council may, by notice addressed to each member, summon and conduct a meeting at such time and place and in such manner as he may deem expedient.

(2) The President or, in his absence, the Vice-President shall preside at every meeting of the Council and, in the absence of both the President

The Pharmacy Ordinance, 1976  
and the Vice-President, the members present shall elect one amongst them to preside at the meeting.

**Appointment of Secretary, Officers and Staff of the Council**

13. (1) The Council shall, with the approval of the Government, appoint a Secretary from amongst persons eligible for registration as pharmacists on such terms and conditions as it may deem fit.

(2) The Council may also appoint such officers and staff as may be necessary for the efficient performance of its functions.

**Finance**

14. The funds of the Council shall consist of the fees received by it under this Ordinance and of such moneys as may be placed at its disposal by the Government.

**Accounts and audit**

15. (1) The Council shall maintain proper accounts and prepare annual statement of accounts in such form as may be prescribed by regulations.

(2) The accounts of the Council shall be audited by the Comptroller and Auditor-General of Bangladesh or any officer authorised by him in such manner as the Comptroller and Auditor-General may think fit.

**Annual report**

16. As soon as may be, after the close of every financial year, the Council shall submit to the Government, an annual report giving an account of its proceedings together with a statement of moneys received and expenses incurred by it during that year.

**Functions of the Council**

17. The functions of the Council shall be-

(a) to approve examinations in Pharmacy for the purpose of qualifying persons for registration as pharmacists;

(b) to prescribe the subjects in which approved examinations shall be held;

(c) to approve the courses of study and practical training in pharmacy for the purpose of admission to approved examinations;

(d) to prescribe the conditions and procedure for admission of candidates to an approved examination;