

Pharmacy Act, 1948

Section 36 - Removal from register

1) Subject to the provisions of this section, the Executive Committee may order that the name of a registered pharmacist shall be removed from the register, where it is satisfied, after giving him a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make,- . (i) that his name has been entered in the register by error or on account of misrepresentation or suppression of a material fact, or (ii) that he has been convicted of any offence or has been guilty of any infamous conduct in any professional, respect which in the opinion of the Executive Committee, renders him unfit to be kept in the register, or (iii) that a person employed by him for the purposes of his business of pharmacy 3 (a) [a] Inserted by the Pharmacy (Amendment) Act, 1959 (24 of 1959), Section 13 (with effect from 1 -5-1960). [or employed to work under him in connection with any business of pharmacy] has been convicted of any such offence or has been guilty of any such infamous conduct as would, if such person were a registered pharmacist, render him liable to have his name removed from the register under clause (ii), Provided that no such order shall be made under clause (iii) unless the Executive Committee is satisfied- (a) that the offence or infamous conduct was instigated or connived at by the registered pharmacist. or (b) that the registered pharmacist has at any time during the period of twelve months immediately -preceding the date on which the offence or infamous conduct took place committed a similar offence or been guilty of similar infamous conduct, or (c) that any person employed by the registered pharmacist for the purposes of his business of pharmacy 3 (a) [a] Inserted by the Pharmacy (Amendment) Act, 1959 (24 of 1959), Section 13 (with effect from 1 -5-1960). [or employed to work under him in connection with any business of pharmacy] has at any time during the period of twelve months immediately preceding the date on which the offence or infamous conduct took place, committed a similar offence or been guilty of similar infamous conduct, and that the registered pharmacist had, or reasonably ought to have had, knowledge of such previous offence or infamous conduct, or (d) that where the offence or infamous conduct continued over a period, the registered pharmacist had, or reasonably ought to have had, knowledge of the continuing offence or infamous conduct, or (e) that where the offence is an offence under the 3 (c) [c] Substituted for the words and figures "Drugs Act, 1940" by the Pharmacy (Amendment) Act, 1976 (70 of 1976), S. 18 (1-9-1976). [(Drugs and Cosmetics Act 1940)], the registered pharmacist has not used due diligence in enforcing compliance with the provisions of that Act in his place of business and by persons employed by him 3 (a) [a] Inserted by the Pharmacy (Amendment) Act, 1959 (24 of 1959), Section 13 (with effect from 1 -5-1960). [or by persons under his control]. (2) An order under sub-section (1) may direct that the person whose name is ordered to be removed from the register shall be ineligible for registration in the 3 (b) [b] Substituted for the words or the word 'Provincial Government' 'Provincial' by A.L.O. 1950. [State] under this Act either permanently or for such period as may be specified. (3) An order under sub-section (1) shall be subject to confirmation by the 3 (b) [b] Substituted for the words or the word 'Provincial Government' 'Provincial' by A.L.O. 1950. [State] Council and shall not take effect until the expiry of three months from the date of such confirmation. (4) A person aggrieved by an order under sub-section (1) which has been confirmed by the 3 (b) [b] Substituted for the words or the word 'Provincial Government' 'Provincial' by A.L.O. 1950. [State] Council may, within thirty days from the communication to him of such confirmation, appeal to the 3 (b) [b] Substituted for the words or the word 'Provincial Government' 'Provincial' by A.L.O. 1950. [State Government], and the order of the 3 (b) [b] Substituted for the words or the word 'Provincial Government' 'Provincial' by A.L.O. 1950. [State Government] upon such appeal shall be final. (5) A person whose name has been removed from the register under this section or under sub- section (2) of (section 34) shall forthwith surrender his certificate of registration to the Registrar, and the name so removed shall be published in the Official Gazette.