

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 80 OF 2019

The Medicines Allied Substances Act, 2013

(Act No. 3 of 2013)

**The Medicines and Allied Substances (Expert Advisory
Committee) Regulations, 2019**

IN EXERCISE of the powers contained in section 9 of the Medicines and Allied Substances Act, 2013, the following Regulations are made:

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| 1. These Regulations may be cited as the Medicines and Allied Substances (Expert Advisory Committee) Regulations, 2019. | Title |
| 2. In these Regulations, unless the context otherwise requires—
“Chairperson” means the person elected as Chairperson by the members;
“Committee” means the Expert Advisory Committee constituted by the Board in accordance with section 9 of the Act; and
“member” means a member of the Expert Advisory Committee. | Interpretation |
| 3. (1) The Committee consists of the following part-time members:
(a) three persons with expertise in human medicine;
(b) two persons with expertise in veterinary medicine; and
(c) two persons with expertise in allied substances.
(2) The members shall elect the Chairperson and Vice Chairperson from amongst themselves. | Expert
Advisory
Committee |
| 4. A person qualifies to be appointed as a member if that person—
(a) is a citizen;
(b) is not an undischarged bankrupt;
(c) is not legally disqualified; | Qualifications
to be
appointed as
member |

- (d) has not been convicted of an offence under the Act or any other written law and sentenced to imprisonment for a period exceeding six months without the option of a fine within a period of five years preceding the appointment; and
- (e) is not facing disciplinary action relating to professional misconduct.
- Tenure of office and vacancy
5. (1) A member shall hold office for a period of three years and may be re-appointed for a further term of three years.
- (2) The office of a member becomes vacant if that member
- (a) is absent, without reasonable excuse, from three consecutive meetings of the Committee of which the member has had notice;
- (b) is adjudged bankrupt;
- (c) is convicted of an offence under the Act or any other law and sentenced to imprisonment for a period exceeding six months;
- (d) is found guilty of professional misconduct;
- (e) is legally disqualified from performing the duties of a member;
- (f) dies; or
- (g) resigns.
- (3) On the expiration of the period for which member is appointed, the member shall continue to hold office until a successor is appointed, but in no case shall the further period exceed four months.
- Filling of casual vacancy
6. The Board may, where the office of a member becomes vacant before the expiry of the term of office, appoint another member in place of the member who vacates office but that member shall hold office only for the unexpired part of the term.
- Proceedings of Committee
7. (1) Subject to the other provisions of this Act, the Committee may regulate its own procedure.
- (2) The Committee shall meet for the transaction of business at least once in every three months at such places and times as the Committee may determine.
- (3) A meeting of the Committee may be called by the Chairperson, on giving notice of not less than fourteen days, and shall be called by the Chairperson if not less than onethird of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of the notice, a special meeting may be called on giving a shorter notice.

(4) Five members shall constitute a quorum at any meeting of the Committee.

(5) There shall preside at any meeting of the Committee—

(a) the Chairperson;

(b) in the absence of the Chairperson, the ViceChairperson;
and

(c) in the absence of the Chairperson and the ViceChairperson,
such other member as the members present may elect
for the purpose of that meeting.

(6) A decision of the Committee on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(7) The Committee may invite any person, whose presence is in its opinion desirable, to attend and participate in the deliberations of the meeting of the Committee, but that person shall not have any vote.

(8) Where a member is for any reason unable to attend a meeting of the Committee, that member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and that person shall be deemed to be a member for the purposes of that meeting.

(9) The validity of any proceedings, acts or decisions of the Committee shall not be affected by any vacancy in the membership of the Committee or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(10) The Committee shall cause minutes to be kept of proceedings in every meeting of the Committee.

8. There shall be paid to a member of the Committee such allowances as the Minister may determine, subject to the approval of the Emoluments Commission.

Allowances
of member

9. (1) If a person is present at a meeting of the Committee at which any matter is the subject of consideration, and in which matter that person or that person's relative is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless the Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

Disclosure of
interest

Act No. 3 of
2012

(2) A declaration of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) In this regulation, “relative” has the meaning assigned to the word in the Anti-Corruption Commission Act, 2012.

LUSAKA

18th November, 2019

[MH/101/26/1]

DR C. CHILUFYA,

Minister of Health