

CHAPTER 357

PHARMACISTS ACT

An Act to make better provision for the regulation of pharmaceutical chemists and for purposes connected therewith; and to amend consequentially the Pharmacy Act. 1964 No. 26.

[30th January, 1965] Commencement.
L.N. 31
of 1965.

The Pharmacists Board of Nigeria

1. (1) There shall be established a body to be known as the Pharmacists Board of Nigeria (in this Act referred to as "the board") which under that name shall be a body corporate with perpetual succession and a common seal and be charged with the general duty of—

Establishment of Pharmacists Board.

- (a) determining what standards of knowledge and skill are to be attained by persons seeking to become pharmaceutical chemists (in this Act referred to as "pharmacists") and raising those standards from time to time as circumstances may permit;
- (b) securing in accordance with the provisions of this Act the establishment and maintenance of—
 - (i) a register of pharmacists, and
 - (ii) a register to be known as "the provisional register" of such other persons as the board may recognise for the purposes of this Act,

and thereafter securing the publication from time to time by the secretary to the board of lists of those persons whose names are entered in such registers; and

- (c) performing the other functions conferred on the board by this Act.

(2) Subject to the provisions of this Act, the board shall consist of a chairman and members appointed by the Minister and shall comprise—

(a) the chief pharmacist of the Federal Ministry of Health who shall be chairman; and

(b) the following persons, namely—

(i) the president of the Pharmaceutical Society of Nigeria;

(ii) the chief pharmacist or as the case may be, the principal pharmacist in each State,

(iii) the heads of pharmacy sections of institutions in Nigeria approved by the board,

(iv) six members from such of the States of the Federation as the board may direct or require, appointed on the nomination of the Pharmaceutical Society of Nigeria, so however—

(a) that no State shall in any event be entitled to more than one member; and

(b) where a member resigns or his office is for any reason terminated, replacement shall as far as is practicable be made from a State (other than that of the member concerned) not represented on the board, unless in any particular case the Minister directs the filling for the unexpired portion (if any) of the term of office for which the member was appointed, by nomination from the State of which the member concerned was the representative;

(v) one member from each State and one member from the Federal Capital territory, Abuja nominated from those territories by the respective branches of the pharmaceutical society of Nigeria after consultation with the Minister.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the board, and of the powers and procedure of the board and other matters there mentioned.

(4) Regulations may provide for increasing or reducing the membership of the board.

2. (1) The board shall prepare and submit to the Minister, not later than the first day of September of the year in which this subsection comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.

Financial provisions.

(2) The board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts, and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Minister of the government of the Federation responsible for finance.

(3) The Minister may, out of moneys provided by the National Assembly, make to the board either by way of grant or by way of loan, payments of such amounts as the National Assembly may from time to time determine.

3. (1) The Minister may give to the board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the board of its functions, and it shall be the duty of the board to comply with the directions.

Control of board by the Minister.

(2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the board and shall afford the board an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection the Minister may give direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations.

The Register

4. (1) There shall, on the recommendation of the board be appointed as registrar of the board a fit person who shall be a pharmaceutical chemist in the employ of the public service of the Federation:

Appointment of registrar and preparation etc. of registers.

Provided that the registrar may also be the secretary with the approval of the Minister.

2. (1) The board shall prepare and submit to the Minister, not later than the first day of September of the year in which this subsection comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year. Financial provisions.

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3. (1) The Minister may give to the board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the board of its functions, and it shall be the duty of the board to comply with the directions. Control of board by the Minister.

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The Register

4. (1) There shall, on the recommendation of the board be appointed as registrar of the board a fit person who shall be a pharmaceutical chemist in the employ of the public service of the Federation: Appointment of registrar and preparation etc. of registers.

Provided that the registrar may also be the secretary with the approval of the Minister.

(2) There may likewise be so appointed a deputy registrar and such other officers and employees as may from time to time be necessary for the purposes of this Act.

(3) The registrar shall in accordance with rules made by the board under this section, prepare and maintain a register of the names, addresses and approved qualifications and of such other particulars as may be specified of all persons who are entitled to be registered under this Act and who apply in the specified manner to be so registered.

(4) Subject to the following provisions of this section, the board shall make rules with respect to the form and keeping of the registers and the making of entries therein, and in particular—

- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
- (b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) specifying the fees to be paid to the board in respect of the entry of names on the registers and authorising the registrar to refuse to enter a name on a register until any fee specified for the entry has been paid;
- (d) specifying anything falling to be specified under the foregoing provisions of this section;

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister.

(5) It shall be the duty of the registrar—

- (a) to correct, in accordance with the directions of the board, any entry in a register which the board directs him to correct as being in the opinion of the board an entry which was incorrectly made;
- (b) to make from time to time any necessary alterations in the registered particulars of registered persons; and
- (c) to remove from the relevant register the name of any registered person who has died, or unless exempted fails after the expiration of one year to pay a retention fee under this Act.

(6) If the registrar—

- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
- (b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the relevant register; and the board may direct the registrar to restore to the appropriate register any particulars removed therefrom under this subsection.

5. (1) It shall be the duty of the registrar—

- (a) to cause the registers to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this section comes into force; and
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection to cause to be printed, published and put on sale as aforesaid a corrected edition of the registers or as the board thinks fit a list of corrections made to the registers since they were last printed; and
- (c) to cause a print of each edition of the registers and of the list of corrections to be deposited at the principal office or offices, as the case may be, of the board,

and it shall be the duty of the board to keep the registers and lists so deposited, open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year shall, as an alternative to any other mode

Publication
of registers
and lists of
corrections.

of proof in any proceeding be admissible as evidence that any person specified in the document or in the documents if read together, as being registered under this Act—

(a) is so registered; or

(b) is so registered subject to payment of the annual retention fee,

and that if not specified in the registers he is not so registered.

(3) The registers shall show in an appropriately headed column when the annual licence fee was last paid by each person appearing as registered therein, unless exempted under this Act.

Registration

Examination
qualifica-
tions.

6. (1) The board shall from time to time arrange for the examination of candidates as pharmacists and for the issue of diplomas under the provisions of this Act; and for such purpose the board may prescribe fees and appoint examiners from time to time at such remuneration as the Minister may approve.

(2) The board may exempt any person from the requirements of examination under this section either wholly or in part where it is satisfied that such person is the holder of a diploma issued by any authority outside Nigeria; and if such holder is not a citizen of Nigeria, he shall, in addition, satisfy the board that he has been resident in Nigeria for not less than twelve months immediately preceding the date of application for exemption.

(3) A diploma issued under this section shall show that the person named therein is qualified to apply for registration as a pharmacist; and if an applicant is thereafter so registered under this Act he shall, upon payment of the prescribed fee, be entitled to an annual licence to practise as a pharmacist accordingly.

Registration
of pharma-
ceutical
chemists.

7. (1) An applicant for registration shall unless otherwise precluded by this Act, be entitled to be registered as a pharmacist if he satisfies the board—

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- (a) that he is of good character, and is the holder of—
- (i) a diploma under this Act, or
 - (ii) a qualification granted outside Nigeria and for the time being accepted by the board for the purpose of this subsection; and
- (b) if the board so requires, that he has had sufficient practical experience as a pharmacist.

(2) Any person aggrieved by a decision of the Board under this section may appeal to the Minister within one month after notice is given to him of the decision.

(3) For the purposes of this section, the board shall from time to time publish in the Federal *Gazette* particulars of the qualifications for the time being accepted by the board.

8. (1) The board may approve—

- (a) any course of training which is intended for persons who are seeking to become, or are already, pharmacists and which the board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession;
- (b) any institutions, either in Nigeria or elsewhere, which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board under this section;
- (c) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the board, that they have sufficient knowledge and skill to practise the profession of a pharmacist.

Approval of courses, qualifications and institutions.

(2) The board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the board shall—

- (a) give notice that it proposes to do so to each person in Nigeria appearing to the board to be a person by whom the course is conducted or the qualification is

granted or the institution is controlled, as the case may be; and

- (b) afford each such person an opportunity of making to the board representations with regard to the proposal; and
- (c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(3) As respects any period during which the approval of the board under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the board may specify in that instrument; and the board shall—

- (a) as soon as may be publish a copy of every such instrument in the *Federal Gazette*; and
- (b) not later than seven days before its publication as aforesaid,

send a copy of the instrument to the Minister.

Supervision
of instruction
and examina-
tions leading
to approved
qualification.

9. (1) It shall be the duty of the board to keep itself informed of the nature of the instruction given at approved institutions to and examinations taken by persons attending approved courses of training and for the purposes of performing that duty the board may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under this subsection to report to the board on—

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- (a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him;
- (b) the sufficiency of any examinations attended by him; and
- (c) any other matters relating to the institutions or examinations on which the board may, either generally or in a particular case, request him to report,

but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the board shall as soon as may be send a copy of the report to the person appearing to the board to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the board within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Professional Discipline

10. (1) There shall be a committee to be known as the Pharmacists Disciplinary Committee (in this Act hereafter referred to as the "disciplinary committee") which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section, and any other case of which the disciplinary committee has cognisance under the following provisions of this Act.

Establishment of disciplinary committee and investigating panel.

(2) The disciplinary committee shall consist of the chairman of the board and eleven other members of the board appointed by the board and shall include not less than five members of the board holding office by virtue of subparagraph (iv) of paragraph (b) of subsection (2) of section 1 of this Act, or where the number of those members is for the time being less than five, all those members.

(3) There shall be a body, to be known as the Pharmacists Investigating Panel (in this Act hereafter referred to as "the panel"), which shall be charged with the duty of—

- (a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a pharmacist or should, for any other reason be the subject of proceedings before the tribunal; and
- (b) deciding whether the case should be referred to the tribunal.

(4) The panel shall consist of five members to be appointed by the board and shall include one qualified in law to be appointed on the recommendation of the Attorney-General of the Federation; and the registrar shall be the secretary of the panel, but shall not have a vote.

(5) The provisions of the Second Schedule to this Act shall, so far as applicable be the disciplinary committee and the panel respectively, have effect with respect to those bodies.

Miscellaneous and General

Penalties for
unprofes-
sional
conduct, etc.

11. (1) Where—

- (a) a registered person is judged by the disciplinary committee to be guilty of infamous conduct in any professional respect; or
 - (b) a registered person is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the disciplinary committee is incompatible with the status of a pharmacist; or
 - (c) the disciplinary committee is satisfied that the name of any person has been fraudulently registered,
- the disciplinary committee may, if it think fit, give a direction reprimanding that person or ordering the registrar to strike his name off the relevant register or registers.

(2) The disciplinary committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the disciplinary committee; but—

- (a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and
- (b) no person shall be a member of the disciplinary committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the disciplinary committee when the decision was deferred.

(3) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the disciplinary committee gives a direction under subsection (1) of this section, the disciplinary committee shall cause notice of the direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal; and the disciplinary committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the disciplinary committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the disciplinary committee under subsection (1) of this section shall take effect—

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,

and shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) A person whose name is removed from a register in pursuance of a direction of the disciplinary committee under this section shall not be entitled to be registered in that register again except in pursuance of a direction in that behalf given by the disciplinary committee on the application of that person; and a direction under this section for the removal of a person's name from a register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Offences.

12. (1) Unless otherwise exempted under this Act, any person, not being a fully registered pharmacist or, being a fully registered pharmacist and allowing his licence to expire so that payment of the prescribed fee is in arrears for more than one year, who—

- (a) for or in expectation of reward practises or holds himself out as a pharmacist; or
- (b) takes or uses any letters after his name to indicate qualification as a pharmaceutical chemist; or
- (c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a pharmacist,

shall be guilty of an offence.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter—

- (a) makes a statement which he believes to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence.

(3) If the registrar or any other person employed by the board wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable—

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- (a) on summary conviction, to a fine not exceeding one hundred naira;
- (b) on conviction on indictment, to a fine not exceeding one thousand naira or imprisonment for a term not exceeding two years or to both.

(5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

13. (1) A person shall not hold an appointment as a pharmacist in the public service of the Federation or of a State or in the armed forces of the Federation unless—

Employment in the public service or the armed forces.

- (a) he is the holder of an annual licence to practise as a pharmacist; or
- (b) he is, as the holder of a diploma granted by the board or of some other approved qualification, exempted from the requirement of an annual licence fee.

(2) The Minister may by order in the *Federal Gazette* exempt any class or classes of persons from the requirements of this Act as to annual licences for such period or periods as he thinks fit; and may at any time amend, vary or revoke any such notice.

14. (1) A fully registered pharmacist shall be entitled to practise as a pharmaceutical chemist throughout the Federation.

Miscellaneous supplementary provisions.

(2) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provisions of an enactment, no person other than a fully registered pharmacist shall be entitled to bring any proceedings in any court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services

rendered or facilities or things supplied by him when purporting to act as a pharmaceutical chemist.

(3) It shall be the duty of the person in charge of each school of pharmacy, university or similar institution in the Federation at which there is held a course of training intended for persons who are seeking to become members of the pharmaceutical profession to furnish to the registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the board may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

Regulations,
rules and
orders.

15. (1) Any power to make regulations, rules or orders conferred by this Act shall include power—

- (a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and
- (b) to prescribe membership fees in such amount as the Minister may from time to time approve; and
- (c) to make different provision for different circumstances.

(2) The Minister shall lay a copy of all regulations before each House of the National Assembly as soon as may be after the regulations are made.

Transitional
provisions
and repeals.
Cap. 152 of
1958 Laws.

16. (1) A person whose name is not on the register maintained under the Pharmacy Act by reason of its having been removed by order of the Pharmacy Board under that Act shall be deemed for the purposes of this Act to have had his name removed, in pursuance of a direction of the disciplinary committee which took effect on the date when this subsection came into force, from the register maintained under this Act; and the provisions of subsection (7) of section 11 of this Act shall have effect accordingly as if the direction aforesaid prohibited applications under that subsection for the period of six months.

(2) Any proceedings under the Pharmacy Act which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending

rendered or facilities or things supplied by him when purporting to act as a pharmaceutical chemist.

(3) It shall be the duty of the person in charge of each school of pharmacy, university or similar institution in the Federation at which there is held a course of training intended for persons who are seeking to become members of the pharmaceutical profession to furnish to the registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the board may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

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(2) Any proceedings under the Pharmacy Act which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending

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before the Pharmacy Board established by that Act or before the Minister or in any court on appeal may be continued, and any right of appeal under that Act which was exercisable immediately before that date may be exercised, as if this Act had not been passed; and for the purposes of the foregoing provisions of this section and of enabling effect to be given to any order made or judgment given in connection with any such proceedings or appeal, but not for any other purposes, the register maintained under that Act shall be deemed not to be abolished.

17. (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation, etc.

“approved” means for the time being approved under this Act;

“approved qualifications” means a qualification which is approved in respect of the pharmaceutical profession;

“the board” means the Pharmacists Board of Nigeria;

“the disciplinary committee” means the Pharmacists Disciplinary Committee under section 10 of this Act;

“gazette” means the *Gazette* of the Federation;

“the Minister” means the Minister of the government of the Federation responsible for matters relating to health;

“the panel” has the meaning assigned to it by section 10 of this Act;

“pharmacist” means a pharmaceutical chemist registered and permitted to practise as such under this Act;

“prescribed” means prescribed by regulations;

“register” means a register maintained under this Act, and “registered” shall be construed accordingly;

“the registrar” means the registrar appointed in pursuance of section 4 of this Act;

“regulations” means regulations made by the Minister.

(2) For the purposes of this Act—

(a) a person is fully registered if his name is for the time being entered in the register other than the provisional register; and

(b) a person whose name is in the provisional register is one whose qualifications as a pharmacist are provisionally recognised by the board and are subject to the provisions of this Act and regulations made thereunder,

and "registered" shall be construed in accordance with paragraphs (a) and (b) of this subsection.

(3) Any approval, consent, direction, notice, observations, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service but subject to the provisions of rules made under the Second Schedule to this Act, be served by post.

Short title.

18. This Act may be cited as the Pharmacists Act.

Pharmacists Act

FIRST SCHEDULE

Section 1(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE PHARMACISTS BOARD

Qualifications and tenure of office of members

1. (1) A person shall not be a member of the board unless he is a pharmaceutical chemist.

(2) Any member other than a member appointed by office shall— 1969 No. 45.

(a) in the case of the president of the pharmaceutical society of Nigeria hold office for a term of three years beginning with the date of his appointment as a member, but shall be eligible for reappointment at the expiration of that term; and

(b) in the case of a member appointed under paragraph (b)(iv) of section 1(2) of this Act hold office for a term of two years beginning with the date of his appointment, so however that where any such appointment expires by effluxion of time and a State (other than that in respect of which a member was appointed as aforesaid) has no representative member, the appointment by way of replacement shall, as far as is practicable, be made from any such State.

(3) Any member other than a member appointed by office may at any time resign his appointment by notice in writing under his hand; and the resignation shall have effect upon signification by any means of its acceptance by the Minister so however that where a member appointed for a fixed term pursuant to paragraph 1(2)(b) of this Schedule, resigns his office under this paragraph, the board may if it thinks fit appoint for the unexpired portion of the term, as one of its members, a fit person from the same State as that of the member resigning.

(4) Members appointed by office shall cease to be members upon ceasing to hold the office entitling appointment to the board.

Powers of the board

2. (1) Subject to the provisions of this paragraph, and of any directions of the Minister under this Act, the board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(2) The board shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister.

(3) Except in accordance with scales approved by the Minister, the board shall not have power to pay remuneration (including pensions) allowances or expenses to any member, officer or servant of the board or to any other person.

Proceedings of the board

3. Subject to the provisions of this Act the board may make standing orders regulating the proceedings of the board or any committee thereof.

1989 No. 45.

4. Where at least six of the States are represented, nine members (of whom the chairman for the meeting shall be one) shall be a quorum.

5. The chairman shall preside at all meetings at which he is present; and in his absence the members attending may elect one of their number present to be chairman of the meeting.

6. Questions for determination shall be decided by a majority of the votes of members present and voting thereon. Every member other than a co-opted member shall have a deliberative vote for the purpose; and in the event that the votes are equal the chairman shall have in addition to his deliberative vote, a casting vote.

7. (1) Subject to the provisions of standing orders, the board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than five other members, he shall summon a meeting of the board to be held within fourteen days from the date when the notice is given.

(2) Where the board desires to obtain the advice of any person on a particular matter, the board may co-opt that person as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not count towards a quorum.

(3) The first meeting of the board shall, notwithstanding the provisions of this paragraph, be summoned by the Minister who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting. Any other meeting may be convened by the Minister if the chairman fails or refuses to do so.

Committees

8. (1) The board may appoint one or more committees to carry out, on behalf of the board, such of its functions as the board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the board, and not more than one-third of those persons may be persons who are not members of the board; and a person other than a member of the board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

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(3) A decision of a committee of the board shall be of no effect until it is confirmed by the board.

Miscellaneous

9. (1) The fixing of the seal of the board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the board by any person generally or specially authorised to act for that purpose by the board.

(3) Any document purporting to be a document duly executed under the seal of the board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

10. The validity of any proceedings of the board or a committee thereof shall not be affected by any vacancy in the membership of the board or committee, or by any defect in the appointment of a member of the board or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

11. Any member of the board, and any person holding office on a committee of the board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or a committee thereof shall forthwith disclose his interest to the board and shall not vote on any questions relating to the contract or arrangement.

12. A person shall not, by reason only of his membership of the board, be treated as holding an office of emolument under the State.

SECOND SCHEDULE*Section 10(5)***SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE
AND INVESTIGATING PANEL***The Tribunal*

1. The quorum of the disciplinary committee shall be four, who shall all be pharmacists.

2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the disciplinary committee for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before such committee.

(2) The rules shall in particular provide—

- (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
- (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the disciplinary committee;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
- (e) subject to the provisions of subsection (5) of section 11 of this Act, as to the costs of proceedings before the disciplinary committee;
- (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the disciplinary committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
- (g) for publishing in the *Federal Gazette* notice of any direction of the disciplinary committee which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the disciplinary committee, any member of the said committee may administer oaths and any party to the proceedings may sue out of the registry of the Court of Appeal writs of *subpoena ad testificandum* and *duces tecum*; but no person appearing before the said committee shall be compelled—

- (a) to make any statement before the disciplinary committee tending to incriminate himself; or
- (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the disciplinary committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the said committee who shall be appointed by the board on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

- (a) that where an assessor advises the disciplinary committee on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the said committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

Pharmacists Act

(b) that every such party or person as aforesaid shall be informed if in any case the disciplinary committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The panel

5. The quorum of the panel shall be three all of whom shall be pharmacists.

6. (1) The panel may, at any meeting of the panel attended by not less than six members of the panel make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the disciplinary committee or the panel shall be eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the disciplinary committee and the panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the said committee with respect to that case.

8. The disciplinary committee or the panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to subparagraph (2) of paragraph 7 of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The disciplinary committee and the panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the disciplinary committee or the panel shall be served on the registrar.

11. Any expenses of the disciplinary committee or the panel shall be defrayed by the board.

12. A person shall not, by reason only of his appointment as a legal assessor to the disciplinary committee or as a member of the panel, be treated as holding an office of emolument under the State.

PHARMACISTS ACT

CHAPTER 357

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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2.	Pharmacists (Disciplinary Committee and Assessors) Rules	12971
		12983

PHARMACISTS ACT**CHAPTER 357****PHARMACISTS (REGISTRATION) RULES**L.N. 2 of
1968.*under Section 4(4)**Commencement: 16th December, 1967*

1. (1) These Rules may be cited as the Pharmacists (Registration) Rules. Short title.

(2) In these Rules, expressions used have the meaning assigned thereto by the Pharmacists Act, unless the context otherwise requires, and references to "the Act" shall be construed as references to the Act aforesaid.

2. (1) Subject to the provisions of this rule, a citizen of Nigeria shall on payment of the fee prescribed in the First Schedule to these Rules be entitled to be registered as a pharmacist if he— Conditions for registration of a Nigerian citizen as pharmacist.

(a) is a holder of a diploma issued by the board or of a certificate recognised for the purpose by the board; and

(b) has undergone a continuous pre-registration training for not less than one year either—

(i) under a registered pharmacist approved by the board for the purpose of internship; or

(ii) in an institution approved for the purpose by the board.

(2) If a citizen of Nigeria holds a diploma or other qualification issued by an institution outside Nigeria recognised by the board and has acquired one-year's pre-registration experience in an institution outside Nigeria recognised by the board but thereafter is required by the board to qualify only in forensic pharmacy, that citizen shall be entitled to be registered as a pharmacist under the Act if he passes the board's examination in forensic pharmacy and pays the fee prescribed therefor in the First Schedule to these Rules.

(3) If a citizen of Nigeria obtains a diploma or other qualification in an institution outside Nigeria recognised by the board but has no pre-registration experience, that citizen shall, if thereafter passes the board's examination in forensic pharmacy, undergoes pre-registration training in accordance with paragraph (1)(b) of this rule, and pays the fee prescribed therefor in the First Schedule to these Rules, be entitled to be registered as a pharmacist under the Act.

Conditions for registration of non-Nigerian as pharmacist.

3. A person who is not a citizen of Nigeria may be registered as a pharmacist under the Act if the country of which he is a citizen or national, as the case may be, grants reciprocal registration facilities to Nigerian citizens, and—

- (i) he holds a diploma or other qualification recognised by the board; and
- (ii) he has passed the board's examination in forensic pharmacy; and
- (iii) having no pre-registration experience, he thereafter acquires the required experience in accordance with paragraph (1)(b) of rule 2 of these Rules; and
- (iv) he has been resident in Nigeria for not less than twelve months immediately preceding the date of his application for registration; and
- (v) upon payment of the fee prescribed in the First Schedule to these Rules.

Manner in which registers are to be kept.

4. (1) The register of pharmacists (hereinafter referred to as "the register") shall be kept in accordance with Form A in the Second Schedule to these Rules.

(2) The provisional register of pharmacists (hereinafter referred to as "the provisional register") shall be kept in accordance with Form B in the Second Schedule to these Rules.

(3) The name of a person shall not be transferred from the provisional register to the register except with the approval of the board and after payment of the registration fee prescribed in the First Schedule to these Rules.

5. (1) Application for registration in the register as a pharmacist shall be made in the Form C in the Second Schedule to these Rules and shall be accompanied by—

Application for registration in register.

- (a) a certificate of experience in the Form D of the Second Schedule to these Rules; and
- (b) the registration fee prescribed in the First Schedule to these Rules.

(2) The certificate of registration shall be in the Form E in the Second Schedule to these Rules.

6. (1) Applications for registration in the provisional register shall be made in the Form F in the Second Schedule to these Rules and shall be accompanied by—

Application for registration in provisional register.

- (a) testimonials given by two sponsors who are registered pharmacists of Nigeria;
- (b) two copies of a passport size photograph certified by a person approved by the board; and
- (c) a registration fee of four naira forty kobo.

(2) The certificate of provisional registration shall be in the Form G in the Second Schedule to these Rules.

7. (1) Every registered pharmacist not being a person of a class exempted under section 13(2) of the Act, shall on or before 1st January each year pay the fee prescribed in the First Schedule for retention of his name in the register.

Retention fees.

(2) In addition any such registered pharmacist shall pay the prescribed annual practising fee, and upon receipt thereof the registrar shall issue a practising certificate in the Form H in the Second Schedule to these Rules.

8. (1) Where the registrar is required under the Act to remove the name of a person from the register he shall in the notice to the person affected inform him of his right in proper case to have his name retained in the register; and in any such case the applicant may complete Form J in the Second Schedule to these Rules and forward it by registered post to the registrar who shall deal with it as directed by the Act, or refer the application to the board as the case may require.

Removal of names from the register.

(2) If in pursuance of paragraph (c) of section 4(5) of the Act, the registrar thereafter removes the name of a pharmacist from the register, the registrar shall cause a notification of such removal to be published in the *Federal Gazette*.

Additional qualifications to be entered in register.

9. If a registered pharmacist satisfies the board that he has an acceptable degree or qualification additional to that by virtue of which he is registered under these Rules the board may direct the registrar to amend the register; and the registrar shall, without payment of any fee, amend the register by inserting therein the particulars of the degree or other qualification.

Special provisions as to provisional registration.

10. The board may, in any proper case, cause the name of any person who was the holder of a dispenser's licence under any enactment repealed by the Act to be entered in the provisional register; and while the name of that person continues to be so provisionally registered he shall be entitled to be known as a pharmaceutical chemist, and the provisions of the Act (other than any entitling entry of his name on the register of pharmacists) and the benefit of these Rules shall apply.

FIRST SCHEDULE

Rules 2, 3, 4, 5, 7

Fees

	₦	k
(a) For registration as a pharmacist	10	50
(b) For provisional registration as a pharmacist under rule 10	4	20
(c) For examination in forensic pharmacy	4	20
(d) For annual retention of name in register	0	55
(e) For annual practising certificate	4	20
(f) For entering additional qualification	no	fee

*Pharmacists Act***PHARMACISTS (DISCIPLINARY COMMITTEE AND ASSESSORS) RULES**L.N. 60 of
1975*under paragraph 2(1) of the Second Schedule**Commencement: 11th July, 1975**Proceedings before the Disciplinary Committee*

1. (1) The parties to the proceedings before the committee shall be—

Parties and
appearance.

- (a) the complainant;
- (b) the respondent; and
- (c) any other person required by the committee to be joined or joined by leave of the committee.

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner acting as counsel, provided that the committee may order a party to the proceedings to appear in person but without prejudice to that person's right to counsel if it is of the opinion that in the interest of justice it is necessary so to do.

2. (1) Before referring a case to the committee, the panel shall prepare a report of the case and formulate any appropriate charge or charges and the registrar shall refer the report and charges to the chairman with all the documents considered by the panel.

Reference of
case to
committee.

(2) On the direction of the chairman, the registrar shall fix the date for the hearing of the case and forthwith thereafter shall, in the form in the Schedule to these Rules, serve notice thereof on each party to the proceedings.

Fixing of
day and
service of
notice, etc.

(3) The registrar shall serve on each party, other than the panel, copies of the report and of the charge or charges preferred, and of all other documents considered relevant by the panel.

(4) Any process required to be served under this rule shall be deemed to have been properly served if the same is handed personally to the party concerned or is sent by registered post to the last known place of residence or abode of the party.

Hearing in
absence of
parties.

3. (1) Subject to paragraph 2 of this rule, the committee may hear and determine a case in the absence of a party.

(2) Any party to the proceedings before the committee who fails to appear or be represented, or who has previously appeared before the committee but subsequently fails to appear or be represented, may apply within thirty days after the date when the pronouncement of the findings and directions of the committee was given, for a re-hearing on the ground of want of notice or for other good and sufficient reason; and the committee may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

Witnesses
and
evidence.

4. The committee may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist it in arriving at a conclusion as to the truth or otherwise of the charges referred to it by the panel; and in the application of this rule, the provisions of the Evidence Act shall apply to any such proceedings.

Cap. 112.

Amendment
of charges.

5. If in the course of its proceedings it appears to the committee that the charge or charges before it require to be amended in any respect, the committee may, on such terms as it thinks fit, allow the amendment to be made and the charge or charges as so amended shall thereupon be dealt with accordingly.

Proceedings
to be in
public.

6. The proceedings of the committee shall be held, and its findings and directions shall be pronounced, in public unless otherwise directed by the committee.

Adjourn-
ment of
hearing.

7. The committee may, of its own motion, or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the committee thinks fit.

False
evidence.

8. If any person wilfully gives false evidence on oath before the committee during the course of any proceedings, or wilfully makes a false statement in any affidavit, sworn for the purpose of any such proceedings the committee may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

*Pharmacists Act**Finding, etc.*

9. If after the hearing, the committee adjudges that the charge or charges referred to it by the panel have not been proved, the committee shall record a finding that the pharmacist concerned is not guilty of the infamous conduct to which the charge or charges relate; save that in any such case the committee may nevertheless order any party (except the panel) to pay the costs of the proceedings if, having regard to that party's conduct and to all the circumstances of the case, the committee thinks fit so to order.

Findings and costs.

10. Any direction given by the committee shall be published in the *Federal Gazette* as soon as may be after the direction takes effect.

Publication of Committee findings.

11. (1) Shorthand notes of proceedings may be taken by a person appointed by the committee and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

Record of proceedings.

(2) The registrar shall supply to any party entitled to be heard upon an appeal against the direction of the committee and to the board, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the registrar.

(3) If for any reason no shorthand notes are taken, the chairman shall take notes of the proceedings and, accordingly, the provisions of this rule as to inspection and supply of copies shall apply to such notes.

12. The committee may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the committee to be just or expedient so to do; and the committee in any appropriate case may extend the time for doing anything under these Rules.

Dispensing with certain provisions.

13. Any documents, books or other exhibits produced or used at the hearing of any proceedings shall, unless the committee otherwise directs, be retained by the registrar until the expiry of the time limited by the Act for appealing

Power to retain exhibits pending appeal.

against any direction of the committee or, until the appeal is heard or otherwise disposed of, if notice of any such appeal has been given.

Assessors, etc.

Appointment
and duties of
assessors.

14. (1) An assessor, when nominated in accordance with paragraph 4(1) of the second schedule to the Act, shall be appointed by the board by instrument, and the assessor shall hold and vacate office as provided in the instrument; save that where the appointment is not a general one, such instrument shall have effect only in respect of a particular sitting of the committee.

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the committee as and when requested so to do by notice in writing given to him by the registrar not later than three clear days before the date appointed for the meeting; and he shall there advise the committee on questions of law arising in proceedings before it.

(3) Except where the committee is deliberating in private, the advice of the assessor on questions of law as to evidence and procedure or as to compliance with the Act shall be tendered in the presence of every party or his counsel.

(4) If the advice by the assessor is given otherwise than in the presence of all the parties thereto, or of their counsel as the case may be, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice and the reaction thereto of the committee.

(5) The assessor shall be paid such fees as may from time to time be determined by the board with the consent of the assessor.

15. In these Rules, unless the context otherwise requires—

“chairman” means the chairman of the Pharmacists Board of Nigeria established under section 1(1) of the Pharmacists Act;

“party” or “the party” means any of the parties mentioned in rule 1(1) of these Rules;

Pharmacists Act

“registrar” means a person appointed to act as the registrar under section 4(1) of the Pharmacists Act;
“complainant” means the investigating panel;
“respondent” means the pharmacist whose conduct is the subject matter of the proceedings.

16. These Rules may be cited as the Pharmacists (Disciplinary Committee and Assessors) Rules. Citation.

SCHEDULE

Rule 2(2)

NOTICE OF HEARING BY THE PHARMACISTS DISCIPLINARY COMMITTEE

IN THE MATTER OF THE PHARMACISTS ACT AND

IN THE MATTER OF A CHARGE OF UNPROFESSIONAL CONDUCT AGAINST

of a Pharmacist.

TAKE NOTICE that the report and charges prepared by the investigating panel in the above matter are fixed for hearing by the Pharmacists Disciplinary Committee at on the day of 19

Copies of—

- (a) the report;
(b) the charges; and
(c) are annexed hereto.

DATED at this day of 19.....

Registrar