

# PHARMACISTS COUNCIL OF NIGERIA ACT

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**An Act to establish the Pharmacists Council of Nigeria to regulate members of the profession and for matters connected therewith.**

[1992 No. 91.]

[15th December, 1992]

[Commencement.]

## PART I

*Establishment, etc., of the Pharmacists Council of Nigeria*

1. **Establishment of the Pharmacists Council of Nigeria**

(1) There is hereby established a body to be known as the Pharmacists Council of Nigeria (in this Act referred to as "the Council") which shall be a body corporate under that name and be charged with the general duty of .. ..-

(a) determining the standard of knowledge and skill to be attained by persons seeking to become registered members of the pharmacy profession (in this Act referred to as "the profession") and reviewing those standards, from time to time, as circumstances may require;

(b) securing, in accordance with the provisions of this Act, the establishment and maintenance of registers of persons entitled to practice as members of the profession and the publication, from time to time, of lists of those persons;

(c) reviewing and preparing from time to time, a statement as to the Code of Conduct which the Council considers desirable for the practise of the pharmacy profession;

(d) regulating and controlling the practice of the profession in all its aspects and ramifications;

(e) performing such other functions as may be required of the Council under this Act; and

(2) The Council shall have perpetual succession and a common seal which shall be kept in such custody as the Council may, from time to time, authorise.

### **1. Membership of the pharmacy profession**

(1) Subject to the provisions of this Act, persons admitted to membership of the profession shall be registered as members in the category of-

(i) members; and

(ii) associate members.

(2) Persons registered under this Act as members shall be entitled to be enrolled as-

(a) associate members, if for the period of not less than four years immediately preceding the date of application in that behalf (the period of membership of the Council in the discretion of the Council, counting in that behalf) they have been enrolled as undergraduate members and are otherwise fit persons; and

(b) members, if they satisfy the council that they are fully registered as pharmacists, have passed the Council's examinations and are otherwise fit and proper persons to be enrolled.

## 1. Composition of Council

(1) The Council shall consist of the following members who shall be citizens of Nigeria and registered pharmacists, that is-

- (a) the chairman, who shall be a registered pharmacist of not less than fifteen years' post-registration experience to be appointed by the President, on the recommendation of the Minister;
- (b) a representative of the Federal Ministry of Health, who shall be the Director of the Food and Drugs Administration and Control Department in that Ministry;
- (c) the President of the Pharmaceutical Society of Nigeria;
- (d) the Director of the Pharmaceutical Services (or however called) of each State Ministry of Health, including the Federal Capital Territory;
- (e) the Deans of the recognised Faculties or Schools of Pharmacy in Nigeria Universities;
- (f) eight members from such of the States of the Federation appointed by the Minister on the recommendation of the Pharmaceutical Society of Nigeria, but no State shall, in any event, be entitled to more than one member;
- (g) one representative of the armed forces who shall be a registered pharmacist; and
- (h) the Executive Director of the National Institute of Pharmaceutical Research and Development.

## 4. Chairman

(1) The chairman shall hold office for a term of three years from the date of his appointment and shall be eligible for re-appointment for one more term, and shall preside over all meetings of the Council, but in the event of the death, incapacity or inability or for any reason a new chairman shall be appointed for the unexpired portion of the term of office of the erstwhile chairman.

(2) 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 Council and other matters therein mentioned.

[First Schedule.]

## **5. Fund of the Council**

(1) The Council shall establish and maintain a fund for the purpose of this Act.

(2) There shall be paid into the fund established pursuant to subsection (1) of this section-

(a) all fees and other money payable to the Council in pursuance of this Act; and

(b) such money as may be payable to the Council, whether in the course of the discharge of its functions or otherwise;

(c) such money as are held by the Pharmacists Board (in this Act referred to as "the Board") on its ceasing to exist as provided in this Act.

(3) There shall be paid out of the fund of the Council-

(a) the remuneration and allowances of the Registrar and other employees of the Council;

(b) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may with the approval of the Minister determine; and

(c) any other expenses incurred by the Council in the discharge of its functions under this Act.

(4) The Council may invest moneys in the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria approved by the Council.

(5) The Council may, from time to time, borrow money for the purposes of the Council and any interest payable on money so borrowed shall be paid out of the fund.

## **6. Annual estimates**

(1) The Council shall prepare and submit to the Minister not later than the 30th 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 year.

(2) The Minister may, out of money provided by the Federal Government to the Council, either by way of grant or by way of loan, make payments of such amounts as the Federal Government may from time to time determine.

## 7. Accounts and records

The Council shall keep proper accounts and records in respect of each year and shall cause its accounts to be audited as soon as may be after the end of the year to which the accounts relate by a firm of auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

### PART III

#### *The Registrar and the register*

##### **1. Appointment of Registrar, etc., and preparation of the register**

(1) The Council shall appoint a fit and proper person to be the Registrar for the purposes of this Act, and such other persons as the Council may, from time to time, think necessary to assist the Registrar in the performance of his function under this Act on terms and conditions of service prevailing in other regulatory councils.

(2) The Registrar shall be the secretary to the Council and to the Disciplinary Tribunal.

(3) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council-

(a) a register of the names, addresses, approved qualifications, and of such other qualification and particulars as may be specified in the rules of all persons who are entitled in accordance with the provisions of this Act to be enrolled as associates and members and who, in the manner prescribed by such rules, apply to be so registered;

(b) a register of the premises where members of the profession engage in the manufacture, distribution, sale and dispensing of drugs and medicines.

(3) The register shall consist of four parts of which-

(a) the first part shall be in respect of associate members;

(b) the second part shall be in respect of members;

(c) the third part shall be in respect of the premises of members.

(4) Subject to the foregoing provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-

(a) regulating the making of applications for enrolment or registration, as the case may be, and providing for the evidence to be produced in support of such 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) authorising a registered person to have any qualification which is, in relation to the profession, whether an approved qualification or an accepted qualification for the purposes of this Act registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees, including any annual subscription, to be paid to the Council in respect of the entry of names on the register, and authorising the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;

(e) 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 at the annual general meeting of the Pharmaceutical Society of Nigeria.

(5) It shall be the duty of the Registrar-

(a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;

(b) to make, from time to time, any necessary alteration to the registered particulars of registered persons and premises;

(c) to remove from the register the name of any registered person who has died or the person whose temporary registration has ceased; and

(d) to record the names of registered persons who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.

(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 a period of six months from the date of posting it; and

(b) upon the expiration of that period send in the 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 register:

Provided that the Council may direct the Registrar to return to the appropriate part of the register any particulars removed therefrom under this subsection.

(7) When a person's name is entered on the register of pharmacists maintained under this section, that person shall thereupon be taken to become a member of the Pharmacists Council of Nigeria.

## **9. Publication of register and list of corrections**

(1) It shall be the duty of the Registrar-

(a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Act; and

(b) thereafter in each year, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of corrections made to the register since it was last printed; and

(c) to cause a print of each edition of the register and or each list of corrections to be deposited at the principal offices of the Council; and

(d) to keep the register and lists so deposited open to members of the public at all reasonable times for inspection.

(2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of the register so published in the current year and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.



(3) Where in accordance with subsection (2) of this section, a person is, in any proceeding shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so enrolled or registered.

## PART IV

### *Registration*

#### **10. Pharmacists to be registered**

(1) A person shall not hold an appointment or practise as a pharmacist in Nigeria unless he is registered with the Council under the provisions of this Act.

(2) A registered pharmacist shall be entitled to practise as a pharmacist throughout Nigeria.

#### **11. Registration of pharmacists**

(1) Subject to section 12 of this Act and to rules made under section 8 (4) of this Act a person shall be entitled-

(a) to be fully registered as a pharmacist under this Act if he is a Nigeria citizen and-

(i) is of good character and a fit and proper person;

(ii) has attended a course of training approved by the Council under section 15 of this Act; or the course was conducted at an institution approved by the Council;

(iii) holds a qualification approved by the Council;

(iv) has undergone the statutory continuous internship training for not less than one year under a registered pharmacist approved by the Council for the purpose of internship or in an institution approved for that purpose by the Council and has obtained a certificate of experience;

(v) holds a certificate of experience issued in pursuance of section II (a) (iii) of this Act;

(vi) pays the prescribed fee;

(b) to be registered as an associate member if-

(i) he has attained a course of training approved by the Council or the course was conducted at an institution so approved by the Council;

(ii) he holds a qualification approved by the Council;

(iii) he is undergoing the statutory internship training in an institution approved for that purpose by the Council and under a registered pharmacist approved by the Council for that purpose; and

(iv) he pays the prescribed fee.

(2) Subject as aforesaid, a citizen of Nigeria who qualified in an approved institution outside Nigeria shall be entitled to be fully registered under this Act, if he satisfies the Council that-

(a) he holds a qualification granted outside Nigeria and for the time being accepted by the Council for the purposes of this subsection as regards the profession;

(b) in the country in which the qualification was granted he was under no legal disability in the practice of pharmacy;

(c) he holds a certificate of registration as a pharmacist acceptable to the Council;

(d) in addition to any other condition that may be prescribed by the Council, he had received instructions in an approved institution in Nigeria and passed such examination as the Council may prescribe including an examination in forensic pharmacy;

(e) he pays the prescribed fee.

(3) Any Nigerian citizen who was registered as a pharmacist under the provisions of the Pharmacist Act shall be deemed to be registered under this Act.

[Cap. 357 L.F.N. 1990.]

(4) A person aggrieved by a decision of the Council made under this section may appeal to the Minister within one month after notification of the refusal is communicated to him

## **12. Registration of non-Nigerian pharmacists**

(1) A person who is not a citizen of Nigeria may be registered as pharmacist under this 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 if-

(a) he holds a qualification approved by the Council;

(b) he has passed the Council's examination in law and ethics governing the practice of pharmacy in Nigeria and such other examinations as the Council may prescribe and before being registered acquires the required experience in accordance with section II (l) (a) of this Act;

(c) he has been resident in Nigeria for not less than twelve calendar months immediately preceding the date of his application for registration.

(2) An applicant for registration shall in addition to evidence of qualification, satisfy the Council that-

(a) he is of good character;

(b) he has attained the age of 21 years;

(c) he has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty; and

(d) he has paid the prescribed fee.

(3) The Council may, in its sole discretion, provisionally accept a qualification produced in respect of an application for registration under this section or direct that the application be renewed within such period as may be specified in the direction.

(4) Any entry directed to be made in the register under subsection (3) of this section, shall show that such registration is provisional and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.

### **13. Publication of qualification for registration**

The Council shall, from time to time, publish in the *Gazette* particulars of qualifications for the time being accepted for registration under this Act.

### **14. Practising fees**

(1) No registered person shall practise as a pharmacist in any year unless he has paid to the Council in respect of that year, the appropriate practising fee which shall be due every January as prescribed hereunder-

(a) in the case of a pharmacist of not less than fifteen (15) years' post registration experience N250;

(b) in the case of a pharmacist of less than fifteen years' but more than ten (10) years' post registration experience N 200;

(c) in the case of a pharmacist of ten years' post registration experience and below N 100;

(d) in the case of a pharmacist undergoing internship training N 50;

(e) in the case of a pharmacist during his year in the National Service Corps Scheme N 50.

(2) Without prejudice to being fully registered, any pharmacist with at least fifty years' post registration experience shall not pay practising fee.

(3) Every fully registered pharmacist who has paid his registration fee as prescribed in subsection (1) above or is exempted from payment of registration fee as in subsection (2) of this section, shall be entitled to an annual practising licence authorising him, subject to any regulations in force, to import, mix, compound, prepare, dispense, sell and distribute drugs and poisons.

(4) The Council may with the confirmation of the Minister, from time to time, vary the practising fees prescribed in subsection (1) of this section.

(5) The Council shall share the aggregate amount collected as practising fees as follows-

(a) 70 *per centum* to the Pharmaceutical Society of Nigeria; and

(b) 30 *per centum* to the Council.

(6) Any pharmacist who in respect of any year without paying the practising fee practises as such, is guilty of an offence and is liable on conviction-

(a) in the case of a first offence, to a fine of twice the prescribed practising fee; and

(b) in the case of a second or subsequent offence, to a fine of not less than ten times the prescribed practising fee and if the pharmacist is in the employment of any person, the employer is also guilty of an offence punishable in like manner as the pharmacist if it is proved that the failure to pay the practising fee was with his knowledge, consent and connivance.

## **15. Approval of institutions, courses of training and qualifications by Council**

(1) The Council may approve any institution for the purpose of this Act and may for those purposes approve-

(a) any course of training at any approved institution which is intended for persons seeking to become or are already pharmacists and which in the opinion of the Council is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession;

(b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the Council that the candidates have sufficient knowledge and skill to practise as pharmacists.

(2) The Council 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 Council shall-

(a) give notice that it proposes to do so to such person in Nigeria appearing to the Council 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;

(b) afford each such person an opportunity of making representation to the Council with regard to the proposal; and

(c) take into consideration any representation made as regards the proposal in pursuance of paragraph (b) of this subsection.

(3) A course, qualification or institution shall not be treated as approved during the period the approval is withdrawn under subsection (2) of this section.

(4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(5) 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 Council may specify in the instrument and the Council shall-

(a) as soon as may be, published a copy of every such instrument in the *Gazette*;  
and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

## **16. Supervision of instructions and examinations, etc.**

(1) It shall be the duty of the Council to keep itself informed of the nature of-

(a) the instruction given at approved institutions to persons attending approved courses of training; and

(b) the examinations as a result of which approved qualifications are granted,

and for the purposes of performing that duty the Council 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 under this section to report to the Council on-

(a) the adequacy of the instruction given to persons attending approved courses of training at institutions visited by him;

(b) the adequacy of the examination attended by him; and

(c) any other matters relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no such person 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 Council may, if it thinks fit, and shall, if so required by the institutions, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

## **PART V**

### *Professional discipline*

## **17. Establishment of Disciplinary Tribunal and Investigating Panel**

(1) There shall be established a Tribunal to be known as the Pharmacists Council of Nigeria Disciplinary Tribunal (in this Act referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the In-

investigating Panel established by subsection (3) of this section and any other case of which the Tribunal has cognisance under the following provisions of this Act.

(2) The Tribunal shall consist of the chairman of the Council and six other members of the Council appointed by the Council.

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

(a) conducting a preliminary investigating into any case where it is alleged that a person registered 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 be appointed by the Council and shall consist of four members of the Council and one member who is not a member of the Council.

(5) The provisions of the second Schedule to this Act shall, so far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.

[Second Schedule.)

(6) The Council may make rules not inconsistent with this Act as to acts which constitute professional misconduct.

## **18. Penalties for unprofessional conduct**

(1) Where—

(a) a person registered under this Act is judged by the Tribunal to be guilty of infamous conduct in any professional respect; or

(b) a person registered under this Act is convicted by any court or Tribunal 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 Tribunal is incompatible with the status of a pharmacist; or

(c) the Tribunal is satisfied that the name of any person has been fraudulently registered,

the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.

(2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal; 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 Tribunal for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Tribunal when the decision was deferred.

(3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted, as therein mentioned, 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 Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.

(5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of notice of the direction, appeal against the direction to the Federal High Court and the Tribunal 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 Tribunal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the Tribunal 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 such an appeal, or on the expiration of that time;

(b) where 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 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 in accordance with the foregoing provisions of this subsection.

(7) A person whose name is struck off the register in pursuance of a direction of the Tribunal 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 Tribunal on the application of that person.



(8) A direction under subsection (7) of this section for the striking off of a person's name from the 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.

## PART VI

### *Miscellaneous*

#### **19. Application of this Act to unregistered persons**

Any person not a member of the Pharmaceutical Society of Nigeria (in this Act referred to as "Society") who, but for this Act, would have been qualified to apply for and obtain membership of the Society may, within the period of three months beginning from the commencement of this Act, apply for membership of the profession in such manner as may be prescribed by rules made by the Council; and if approved, he shall be registered, according to his qualification.

#### **20. When a person is deemed to practice as a pharmacist**

(1) Subject to subsection (2) of this section, a person shall be deemed to practice as a pharmacist if, in consideration of remuneration received or to be received and whether by him or in partnership with any other person-

(a) he engages himself in the practice of pharmacy or holds himself out to the public as a pharmacist; or

(b) he renders professional service or assistance in or about matters of principle or detail relating to pharmacy; or

(c) he renders any other service which may by regulations made by the Council, with the approval of the Minister, be designed as service constituting practice as a pharmacist.

#### **21. Rules as to practice, etc.**

(1) The Council may make rules-

(a) for the training of suitable persons in pharmaceutical methods and practice; and

(b) for the supervision and regulation of the engagement, training and transfer of such persons.

(2) The Council may also make rules-

- (a) prescribing the form of licence to practise to be issued annually or, if the Council thinks fit, by endorsement of an existing licence;
  - (b) restricting the right to practise as a pharmacist in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
  - (c) restricting the right to practise as a pharmacist if the qualification granted outside Nigeria does not entitle the holder to practise as a pharmacist.
- (3) Rules when made under this section shall, if the chairman of the Council so directs, be published in the *Gazette*.

## **22. Provision of library facilities, etc.**

The Council shall-

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of pharmacy and such other books and publications as the Council may think necessary for the purpose;
- (b) encourage research into pharmaceutical disciplines and allied subjects to the extent that the Council may, from time to time, consider necessary.

## **23. Offences**

(1) 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 is guilty of an offence.

(2) If, on or after the relevant date, any person who is not a member of the profession practises or holds himself out to practise for or in expectation of reward or takes or uses any name, title, addition or description implying that he is authorised by law to practise as a pharmacist, he is guilty of an offence.

(3) In the case of a person falling within section 19 of this Act-

- (a) the provisions of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months mentioned in that section; and

(b) if within that period he duly applies for membership of the profession then, unless within that period he is notified that his application has not been approved, the provisions of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.

(4) If the Registrar or any other person employed by or on behalf of the Council wilfully makes any falsification in any matter relating to the register, he is guilty of an offence.

(5) A person guilty of an offence under this section shall be liable-

(a) on summary conviction, to a fine of an amount not exceeding N1,000;

(b) on conviction on indictment, to a fine of an amount not exceeding N1,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(6) 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 prosecuted against and punished accordingly.

## **24. Regulations and rules**

(1) In this section, "the relevant date" means the third anniversary of the coming into force of this Act or such earlier date as may be prescribed for the purposes of this section by order of the Minister published in the *Gazette*.

(2) Any regulations made under this Act, shall be published in the *Gazette* as soon as may be after they are made and a copy of any such regulations shall be sent to the Minister not later than seven days before they are so published.

(3) Rules made for the purposes of this Act shall be subject to confirmation by the Pharmaceutical Society of Nigeria at its next meeting or at any special meeting of the Pharmaceutical Society of Nigeria convened for that purpose, and if then annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended to be done in pursuance of any such rules.

## **25. Miscellaneous supplementary provisions**

(1) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provision 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 as rendered or facilities or things supplied by him when purporting to act as a pharmacist.

(2) It shall be the duty of any person in charge of each faculty or school of pharmacy in any university in Nigeria to furnish to the Registrar not later than 31 March in every year a list of the names and such other particulars as the Council may by order specify of all persons who are registered as pharmacy students in that school or faculty during that academic session.

(3) It shall be the duty of the dean of every faculty or school of pharmacy in Nigeria approved by the Council to furnish the Registrar with the list of candidates successful at the final pharmacy degree examination immediately after the release of the result.

## **26. Repeal, etc.**

(1) The Pharmacists Act (in the Act referred to as "the former Act") is hereby repealed.

[Cap. 357 L.F.N. 1990.]

(2) The Pharmacists Board established by the former Act is hereby dissolved.

(3) Notwithstanding subsection (1) of this section-

(a) every person registered and all regulations of the Pharmacists Board of Nigeria and any amendments thereof made under the former Act, shall be deemed to have been made under this Act;

(b) any register kept in pursuance of the former Act, shall be deemed to be part of the register kept in pursuance of this Act;

(c) any document referring to the provisions of the former Act shall be construed as referring to the corresponding provisions of this Act;

(d) any direction, orders, appointments and other acts lawfully made or done under a provision of the former Act and in force immediately before the commencement of this Act, shall be deemed to have been made or done under the corresponding provision of this Act and shall continue to have effect accordingly;

(e) any person who immediately before the commencement of this Act held an appointment as an employee of the Board shall on the commencement of this

Act be deemed to have been deployed to the Council as an employee thereof without further assurance and by virtue of this Act; and

(f) all property held by or on behalf of the Board immediately before the commencement of this Act, shall on the commencement of this Act be deemed to have been vested in the Council without further assurance than by virtue of this Act.

## 27. Interpretation

In this Act, unless the context otherwise requires-

“**Board**” means the Pharmacists Board of Nigeria established under the Pharmacists Act;

“**Council**” means the Pharmacists Council of Nigeria established under section I of this Act;

“**Disciplinary Tribunal**” means the Pharmacists Council of Nigeria Disciplinary Tribunal established under section 17 this Act;

“**fees**” includes annual subscription;

“**Investigating Panel**” means the Pharmacists Council of Nigeria Investigating Panel established under section 17 (3) of this Act;

“**member**” means a registered associate or member of the profession;

“**Minister**” means the Minister charged with the responsibility for matters relating to health;

“**profession**” means pharmacy profession;

“**register**” means the register maintained in pursuance of section 9 of this Act;

“**society**” means the Pharmaceutical Society of Nigeria.

## 28. Short title

This Act may be cited as the Pharmacists Council of Nigeria Act.

## SCHEDULES

### FIRST SCHEDULE

[Section 4 (3).]

### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

### *Qualifications and tenure of office of members of the Council*

**1.** (1) A person shall not be a member of the Council unless he is a Nigerian citizen fully registered under this Act as a pharmacist and at the date of his appointment has had not less than seven years' post-call experience in the pharmacy profession.

(2) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of three years beginning with the date of his appointment or election.

(3) Any member of the Council other than a member appointed by office may, by notice in writing under his hand addressed to the Minister, resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council, and an appointed member may be re-appointed.

(5) If for any reason there is a vacation of office by a member; and-

(a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit person to fill that vacancy; or

(b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Council appears to warrant the filling of the vacancy, co-opt a fit person for such time as aforesaid.

### *Proceedings of the Council*

**2.** (1) Subject to the provisions of this Act, the Council may make standing orders regulating its proceedings or any of its committees thereof.

(2) Questions for determination shall be decided by a majority of the members present and voting thereon and, in the event of an equality of votes, the chairman shall have a second or casting vote.

(3) Standing orders made for a committee shall provide for the committee to report back to the Council on any matter referred to it by the Council.

(4) The quorum of the Council shall be twenty and the quorum of a committee of the Council shall be fixed by the Council.

### *Meeting of the Council*

**3.** (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman, and if the chairman is required to do so, by notice in

writing given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council, the chairman shall preside or, in his absence, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may eo-opt him as a member for such period as the Council thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

**4.** (1) The Council may appoint one or more committees to carry out on behalf of the Council such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council of whom not more than two thirds may be persons who are not members of the Council.

(3) A person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.

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

#### *Miscellaneous*

**5.** (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or of some other member of the Council authorised generally or specially by the Council 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 Council, by any person generally or specially authorised to act for that purpose by the Council.

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

**6.** The validity of any proceedings of the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership of the Council or by any defect in the

appointment of a member of the Council 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.

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

**8.** A person shall not by reason only of his membership of the Council be treated as holding an office in the public service of the Federation.

## SECOND SCHEDULE

[Section 17 (5).]

### SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

#### *The Disciplinary Tribunal*

1. The quorum of the Disciplinary Tribunal shall be four members.
2. (1) The Attorney-General of the Federation shall make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding, the procedure to be

followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.

(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 Tribunal;
- (d) for securing that any party to the proceedings may be represented by a legal practitioner;
- (e) subject to the provisions of section 18 (5) of this Act, as to the costs of proceedings before the Disciplinary Tribunal;



(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 Tribunal 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; and

(g) for publishing in the *Gazette* notice of any direction of the Disciplinary Tribunal 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 Tribunal any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of *subpoena ad testificandum* and *deces tecum* but no person appearing before the Disciplinary Tribunal shall be compelled-

(a) to make any statement before the Disciplinary Tribunal 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 Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years' standing.

(2) The Attorney-General of the Federation 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 Tribunal on any question or 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 Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered; and

(b) that every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal 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 letter by which he is appointed.

## *The Investigating Panel*

**5.** The quorum of the Investigating Panel shall be three, all of whom shall be pharmacists.

**6.** (1) The Investigating Panel may, at any of its meeting attended by all the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.

(2) Subject to the provisions for any such standing orders, the Investigating Panel may regulate its own procedure.

## *Miscellaneous*

**7.** (1) A person ceasing to be a member of the Disciplinary Tribunal or the Investigating Panel shall be eligible for appointment as a member of that body.

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

**8.** The Disciplinary Tribunal or the Investigating 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 paragraph 7 (2) 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.** Any document authorised or required by virtue of this Act to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.

**10.** Any expenses of the Disciplinary Tribunal or the Investigating Panel shall be defrayed by the Council.

**11.** A person shall not by reason of his appointment as an assessor to the Disciplinary Tribunal, be treated as holding an office in the public service of the Federation.

## **SUBSIDIARY LEGISLATION**

### *List of Subsidiary Legislation*

1. Pharmacists Council of Nigeria (Disciplinary Tribunal) Rules.

## **PHARMACISTS COUNCIL OF NIGERIA (DISCIPLINARY TRIBUNAL) RULES**

[S.1. 16 of 2000.]

under paragraph 4 (2)

[7thSeptember, 2000]

[Commencement)

### **1. Reference to the Tribunal**

In any case where in pursuance of section 17 (3) of the Act the Panel is of the opinion that a *prima facie* case is shown against a pharmacist, the Panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the Panel.

### **2. Chairman to convene the Tribunal**

The secretary shall refer the report and the charges (Q the chairman of the Pharmacists Council of Nigeria who shall convene a meeting of the Tribunal, as set up in accordance with rule 3 of these Rules.

#### **1. Composition of the Tribunal**

(1) Whenever any case of professional misconduct against a pharmacist is referred to the Tribunal by the Panel, such a case shall be heard by the chairman of the Council and six other members of the Council appointed by the Council.

(2) The chairman of the Council, or in his absence, anyone appointed in that behalf shall be the chairman of the Tribunal.

(3) Four members of the Tribunal, including the chairman, shall form a quorum.

(4) An assessor appointed by the Council on the nomination of the Attorney-General of the Federation in accordance with paragraph 4 (1) of Schedule 2 to the Act shall sit with the Tribunal and it shall be the duty of such assessor to advise the Tribunal on questions of law arising in proceedings before it.

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

(6) Where the advice of the assessor is tendered while the Tribunal is deliberating in private, the assessor shall personally, as soon as may be, inform each party or his representative in writing of the question which has been put to him by the Tribunal and of his advice thereon.

(7) Every party or his representative shall be informed whenever the advice tendered by the assessor has not been accepted.

## **1. Parties to the proceedings before the Tribunal**

(1) The parties to the proceedings before the Tribunal shall be-

- (a) the chairman of the Panel;
- (b) the pharmacist whose conduct is the subject matter of the proceedings;
- (c) if the Tribunal so directs, the complainant, who may be represented by a legal practitioner; and
- (d) such other person required by leave of the Tribunal to be joined.

(2) The pharmacist whose conduct is the subject matter of the proceedings may appear either in person or be represented by a legal practitioner and the Tribunal may also employ the services of a legal practitioner to present the case before it.

## **5. Fixing of hearing day and service of notice, etc., thereof by the secretary**

(1) On the direction of the chairman of the Tribunal the secretary shall fix a day for the hearing of the case and shall serve notice thereof on each party to the proceedings.

(2) The secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the Panel and all the documents considered by the Panel.

(3) Service of any document on the pharmacist whose conduct is the subject matter of the proceedings may be effected either by handing the documents to him personally or by sending it by registered post to the address recorded in the register maintained under section 10 of the Act.

## **6. Hearing in absence of parties**

(1) If any party fails to appear at the hearing, the Tribunal may, upon proof of service on such party of the notice of hearing, proceed to hear and determine the case in his absence.

(2) Any party to a proceeding before the Tribunal who fails to appear at the hearing, may within one calendar month from the pronouncement of the findings and directions of the Tribunal and upon giving notice to every other party and to the secretary, apply to the Tribunal for a re-hearing.

(3) The Tribunal, if satisfied that it is just that the case should be re-heard, may grant the application on such terms and costs or otherwise as it thinks fit.

## **7. Hearing of witnesses and reception of documents**

The Tribunal 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 allegations of misconduct referred to it by the Panel.

### **1. Amendment of charges before the Tribunal**

If in the course of the proceedings it appears to the Tribunal that the charges forwarded to it by the Panel require to be amended or added to, the Tribunal may permit such amendments or addition as it shall think fit.

### **9. Holding of proceedings in public**

The proceedings of the Tribunal shall be held and its findings and directions shall be pronounced in public.

### **10. Adjournment**

The Tribunal 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 Tribunal may think fit.

### **11. Penalty for giving false evidence**

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

### **12. Findings of not guilty**

If, after the hearing, the Tribunal adjudges that the allegations of infamous conduct in a professional respect have not been proved, the Tribunal shall record a finding that the pharmacist is not guilty of such conduct in respect of the matter to which the allegation relates.

### **13. Costs**

The Tribunal may, without finding any misconduct proved against a pharmacist, nevertheless order any party to pay the costs of the proceedings having regard to his conduct and to all the circumstances of the case the Tribunal shall think fit so to order.

### **14. Publications of directions of Tribunal**

Subject to the provisions of section 18 (5) of the Act (relating to the lodging of an appeal against the direction of the Tribunal) any direction given by the Tribunal in accordance with section 18 (1) of the Act, shall be published in the Federal *Gazette* as soon as such direction takes effect.

## 15. Record of proceedings

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

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

(3) If no shorthand notes are taken, the chairman of the Tribunal shall take a note of the proceedings and the provisions of these Rules as to inspection and taking of copies shall apply to such notes accordingly.

## 16. Dispensing with provisions

The Tribunal may dispense with any requirement of these Rules respecting notices, affidavit, documents, service or time in any case where it appears to the Tribunal to be just to do so.

## 17. Extension of time

The Tribunal may, in any given case, extend the time to do anything under these Rules.

## 18. Exhibits and books

The Tribunal may order that any books or other exhibits, produced or used at a hearing, be retained by the secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of.

## 19. Interpretation

In these Rules, unless the context otherwise requires-

**“Act”** means the Pharmacists Council of Nigeria Act;  
[Cap. P17.]

**“complainant”** means any person who makes an allegation of professional misconduct against a pharmacist;

**“Council”** means the Pharmacists Council of Nigeria;

**“Panel”** means the Pharmacists Council of Nigeria Investigating Panel;

“**pharmacist**” means a person registered to practise as a pharmacist by the Council;

“**secretary**” means a person appointed to act as the Registrar of the Pharmacists Council of Nigeria.

## 20. Citation

These Rules may be cited as the Pharmacists Council of Nigeria (Disciplinary Tribunal) Rules 2000.

### SCHEDULE

[Rule 5.]

*Notice of hearing by the Tribunal*

In the Matter of A.B., a pharmacist

and

In the matter of the Pharmacists Council of Nigeria Act

TAKE NOTICE that the report and charges prepared by the Pharmacists Council of Nigeria Investigating Panel in the above matter are fixed for hearing by the Pharmacists Council of Nigeria Disciplinary Tribunal at ..... on the ..... day of ..... 20

.....

*Secretary to the Tribunal*