

PHARMACISTS COUNCIL OF NIGERIA



DECREE 91 OF 1992



PHARMACIST COUNCIL OF NIGERIA DECREE 1992



(15th December, 1992)

Commencement

THE FEDERAL MILITARY GOVERNMENT, hereby decrees
as follows:

PART 1 – ESTABLISHMENT, ETC OF THE PHARMACISTS COUNCIL OF NIGERIA

**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 decree 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 standards of knowledge and skill, to be attained by persons seeking to become registered members of the Pharmacy profession (in this Decree referred to as the “the profession”) And reviewing those standards, from time to time as circumstances may Require;
 - (b) Securing in accordance with the provision of this Decree, 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 practice of the Pharmacy profession,
 - (d) Regulating and controlling the practice of the profession in all its aspects and ramifications.
 - (e) Overcoming, such other functions as may be required of the council under This Decree, 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, authorize.

Membership of the pharmacy profession

Membership of 2 – (1) Subject to the provision of this Decree. Persons admitted to membership the pharmacy of the profession shall be registered as members in the category of profession

- (i) Member's and
- (ii) Associate members.

(2) Persons registered under this Decree 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.

3.-(1) The Council shall consist of the following members who shall be citizens of Nigeria and registered a pharmacist that is Council

- (a) The Chairman, who shall be a registered pharmacist of not less than fifteen years post – registration experience to be appointed by the President, Commander – in - Chief of the Armed Forces on the recommendation of the Minister;
- (b) a representative of the Federal Ministry of Health, who shall be the Head of the Food and Drugs Administration and Control Department in the 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 recognized Faculties of Schools of Pharmacy in Nigeria Universities;
- (f) Eight members from each 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 – (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 he shall preside over all meetings of the Council, but that in the event of the death incapacity or inability or for any reason a new Chairman shall be appointed for the unexpired of the term of office of the rest while Chairman.

Chairman

(2) The provision of Schedule 1 in this Decree shall have effect with respect for the qualifications and tenure of office of members of the Council and other matters therein mentioned.

PART II – FINANCIAL PROVISION

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

**Fund of
the council**

(2) There shall be paid into the fund established pursuant to subsection (1) of this section all fees and other money payable to the Council in pursuance of this Decree: and

- (a) such money as may be payable to the Council , whether in the course of the discharge of its functions or otherwise:
- (b) such money as are held by the Pharmacists Board (in this Decree referred to as the Board”) on its casing to exist as provided in this Decree.

(2) 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 traveling 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 Decree.

(4) The Council may invest moneys in the fund in any security created or issued by or on behalf of the federal military 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.

Annual estimates 6 – (1) The Council shall prepare and submit to the Minister not later than the first day of September of the year in which this subscription 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 Military Government make the council either by way of grant or by way of loan, make payment of such amounts as the federal Government may from time to time determine.

(7) 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 by the Auditor—General of the federation

PART 111 – THE REGISTRAR AND THE REGISTER

8: - (1) The council shall appoint a fit and proper person to be the Registrar for the purpose Appointment of this Decree and such other persons as the council may from time to time think necessary to assist Registrar, etc and the Registrar in the performance of his function under this Decree on terms and conditions of Preparation of the service prevailing in other regulatory council register

(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 qualifications and particulars as may be specified in the rules of all persons who are entitled in accordance with the provisions of this Decree 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 medicines.

- (3) The register shall consist of four parts of which only three are enumerated here.
- (a) the first part shall be in respect of associate members
 - (a) the second part shall be in respect of members
 - (b) The third part shall be in respect of the premises of members.
- (b) 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 enrollment 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) Authorizing 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 Decree; registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered.
- (a) specifying the fees, including any annual subscription, to be paid to the Council in respect of the entry of names on the register until any fee specified for the entry has been paid;
 - (b) specifying anything failing 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
 - (c) 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 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 sends 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 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 restore to the appropriate part of the register any particulars removed there from 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 pharmacist Council of Nigeria.

9-(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 Decree; 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 of each list of corrections to be deposited at the p-principals offices of the council; and

**Publication
of Registers
and list of
Corrections**

(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 and 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 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-(I) A person shall not hold an appointment or practice as a pharmacist in Nigeria unless he is registered with the Council under the provisions of this Decree.

Pharmacists to be Registered

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

11. Subject to section 12 of this Decree and to rules made under section 8(4) of this Decree a person shall be entitled.

Registration of Pharmacists

(a) To be fully registered as a pharmacist under this Decree if he is a Nigerian citizen and -

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

(ii) Has attended a course of training approved by the Council under section 15 of this Decree; 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 purposes 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 11 (a) (iii) of this Decree;

(vi) pays the prescribed fee;

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

(i) he has attended 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 training in Othe 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 Nigerian citizen who qualified in an approved institution outside Nigeria shall be entitled to be fully registered under this Decree, 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 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 examinations as the Council may prescribe including an examination in forensic pharmacy;

(e) He pays the prescribed fee.

(3) Any Nigeria citizen who was registered as a pharmacist under the provision of the pharmacists Act of 1964 No. 26 shall be deemed to be registered under this Decree.

(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 – (1) A person who is not a citizen of Nigeria may be registered as a Pharmacist under this Decree if the country of which he is a citizen or National, as the case may be grants reciprocal registration facilities to Nigeria Citizens and if-

**Registration of
non Nigerian
Pharmacists**

- (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. 11 (i) (a) of this Decree;

(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 twenty one 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 periods as may be specified in the direction.

(4) Any entry directed to be made in the register, under sub-section (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. The Council shall, from time to time, publish in the Gazette particulars of qualifications for the time being accepted for registration under this Decree

**Publication of
qualification to
registration**

14. – (1) No registered person shall practice as a Pharmacist in any year unless Practicing fees he has paid to the Council in respect of that year, the appropriate practicing 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 N250.00

(b) In the case of a pharmacist of less than fifteen years but more than ten (10) years post registration experience N200:

(c) In the case of a pharmacist of Ten years post registration experience and below N100:

(d) In the case of pharmacist undergoing internship training N50;

(e) In the case of a pharmacist during his year in the National Service Corps Scheme N50.

(2) Without prejudice to being fully registered, any pharmacist with at least 50 years post registration experience shall not pay practicing fee.

(3) Every fully registered pharmacist who has paid his registration fee as prescribed in sub-section (1) above or is exempted from payment of registration fee as in sub-section 14 (2) of this section shall be entitled to an annual practicing license authorizing 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 practicing prescribed in sub – section (1).

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

- i. 70 per centum to the Pharmaceutical Society of Nigeria: and
- ii. 30 per centum to the Council

(6) Any pharmacist who in respect or any year without paying the practicing fee practices as such is guilty of an offence and is liable on conviction.

(a) In the case of a first offence to a fine or twice the prescribed practicing fee; and

(b) In the case of second or subsequent offence to a fine of not less than ten times the prescribed practicing 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 fellow to pay the practicing fee was with his knowledge, consent and connivance.

15 – (1) The Council may approve any institution for the purposes of this Decree and may for those purposes approve:-

Approval of institutions courses of Training and qualifications by Council.

(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 to practice of the profession. as.

(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 practice 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 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 sub-section (3) of this section, the withdrawal of an approval under sub-section (2) of this section shall not prejudice the registration of 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 shall 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.

Supervision of
Instructions and
Examinations etc.

(16 – (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 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 a person attending approved courses of training at institutions visited by him,

(b) The adequacy of the examinations 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 not 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 instructions, send a copy of the report to the person appearing to the Council 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 Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

**Establishment
of
Disciplinary
Tribunal and
Investigating
Panel**

PART V – PROFESSIONAL DISCIPLINE

17 – (1) There shall be established a tribunal to be known as the Pharmacist Council of Nigeria Disciplinary Tribunal (in this Decree referred to as “the tribunal”) which shall be charged with the duty of considering and determining any case referred to it by the investigating panel established by

subsection (1) of this section and any other case of which the tribunal has cognizance under the following provisions of this Decree.

(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 Decree 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 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

a. 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 Schedule 2 to this Decree shall, so far as applicable to the tribunal and panel respectively. Have effect with respect to those bodies.

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

18 – (1) Where -

(a) A person registered under this Decree is judged by the tribunal to be guilty of infamous conduct in any professional respect,

**Penalties for
Unprofessional
Conduct**

(b) A person registered under this Decree 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 sub-section (1) of this section until a subsequent meeting of the tribunal; but

(a) No decision shall be deferred under this sub-section 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 sub-section (1) (b) of this section, a person shall not be treated as convicted, as therein mentioned, unless the conviction stands at a time) be brought in connection with the conviction.

(4) When the tribunal gives a direction under sub-section, (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 twenty eight 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 sub-section (1) of this section shall take effect -

(a) Where no appeal under this section is brought against the direction within the time 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 sub-section.

(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.

(18) A direction under sub-section (7) of this section for the striking off of a person's name from the register, may prohibit an application under this Sub-section 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) Any person not a member of the Pharmaceutical Society of Nigeria (in this Decree referred to as “society”) who but for this Decree, 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 Decree, 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.

Application of this Decree to unregistered persons.

(20) - (1) Subject to sub-section (2) of this section a person shall be

When a person is deemed to practice as a Pharmacist

Deemed to practice as a pharmacist if, in consideration of remuneration received or to be received and whether by himself 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 – (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.

Rules as to Practice, etc

(2) The Council may also make rule –

(a) Prescribing the form of license to practice to be issued annually or; if the Council thinks fit, by endorsement of an existing license, and

(b) Restricting the right to practice 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 practice as a pharmacist if the qualification granted outside Nigeria does not entitle the holder to practice as a pharmacist.

Provision of Library facilities Etc. (3) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Gazette.

22. The Council shall -

(a) provide and maintain a library comprising books and publications or 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.

Offences 23 – (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 practices or holds himself out to practice for or in expectation of reward or takes or uses any name, title, addition or description implying that he is authorized by law to practice as a pharmacist he is guilty of an offence.

(3) In the case of a person failing within section 19 of this Decree -

(a) the provisions of sub-section (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 provision of sub-section (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.

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

(4) 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.

(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 prosecuted against and punished accordingly.

24. – (1) In this section, “the relevant date” means the third anniversary of the coming into force of this Decree or such earlier date as may be prescribed for the purpose of this section by order of the Minister published in the Gazette.

2) Any regulation made under this Decree, 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 7 days before they are so published.

(3) Rules made for the purposes of this Decree 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 – (1) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provision of 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 facilities or things supplied by him when purporting to act as a pharmacist.

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

**Miscellaneous
and
Supplementary
Provisions**

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

Repeal, etc 26 – (1) The Pharmacist Act (in the Decree referred to “as the former Act”) is hereby
Cap 357 LFN repealed.

(2) The Pharmacists Board established by the former act is hereby resolved.

(3) Notwithstanding sub-section (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 Decree.

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

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

(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 Decree shall be deemed to have been made or done under the corresponding provision of this Decree and shall continue to have effect accordingly;

(e) any person who immediately before the commencement of this Decree held appointment as an employee of the Board shall on the commencement of this Decree be deemed to have been deployed to the Council as an employee thereof without further assurance and by virtue of this Decree; and

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

Interpretation

27. In this Decree, unless the context otherwise requires- “Board means the Pharmacists Act;

“Council” means the Pharmaceuticals Council of Nigeria established under section 1 of this Decree;

“disciplinary tribunal” means the Pharmacists Council of Nigeria Disciplinary Tribunal established under section 1” this Decree;

“Fees include annual subscription;

“Investigating panel” means the Pharmacists Council of Nigeria investigating panel established under section 17 (3) of this Decree;

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

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

“Profession” means pharmacy profession;

“Register” means the register maintained in pursuance of section 9 of this Decree;

“Society” means the Pharmaceutical Society of Nigeria.

28 This Decree may be cited as the Pharmacists Council of Nigeria Decree 1992.

Citation

SCHEDULES

SCHEDULE 1

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 Decree as a pharmacist and at the date of his appointment has had not less than seven years post – call experience in pharmacy profession.

(2) Subject to the provision 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 any appointed members 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 Decree, the Council may make standing orders regulating its proceedings or any of its committee thereof

(2) Questions for determinations shall be decided by a majority of the members present and voting thereon and, in the event of 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 is required to do so, by notice in writing 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 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 members to preside at the meeting.

(3) Where the Council desires to obtain the advise of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit; but a person who is a member by virtue of this subparagraph 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.

Committees

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 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 members of the Council to act for that purpose.

Citation

(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 special authorized 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 was 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 disclose his interest, and shall not vote on any question relating 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.

SCHEDULE 2

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 Decree, 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 proving 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 rectification and daces 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 accessory 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 of law as to evidence, procedure or any other matters specified by rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or, if the advise is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advise 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 advise 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 Investigation Panel

(5) The quorum of the investigating Panel shall be three all of whom must 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 the 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 that 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 authorized or required by virtue of this Decree 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.

MADE at Abuja, this 15th day of December, 1992

GENERAL I.B. BABANGIDA
President, Commander-in-Chief
Of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE:

*(This note does not form part of the above Decree but is
Intended to explain its purport)*

The Decree establishes the Pharmacists Council of Nigeria charged with the duty, amongst others, of determining what standards of knowledge and skill are to be attained by persons seeking to become Pharmacists in Nigeria.

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