

PHARMACY COUNCIL OF NIGERIA (ESTABLISHMENT, ETC.) BILL, 2016

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SCHEDULES

A BILL

FOR

AN ACT TO REPEAL THE PHARMACISTS COUNCIL OF NIGERIA ACT, CAP P17, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE PHARMACY COUNCIL OF NIGERIA (ESTABLISHMENT, ETC) ACT TO REGULATE THE TRAINING AND PRACTICE OF PHARMACY AND FOR RELATED MATTERS

Sponsored by Hon. Betty Apiafi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - ESTABLISHMENT OF THE PHARMACY COUNCIL OF NIGERIA

2 1.-(1) There is established a body known as the Pharmacy Council
3 of Nigeria (in this Act referred to as "the Council").

Establishment of
the Pharmacy
Council of Nigeria

4 (2) The Council -

5 (a) shall be a body corporate with perpetual succession and a
6 common seal;

7 (b) may sue or be sued in its corporate name, and

8 (c) may acquire, hold or dispose of any property, movable or
9 immovable, subject to the provisions of the Land Use Act, for the purpose of
10 carrying out any of its functions under this Act.

11 2.-(1) The Council shall consist of-

Composition of
the Council

12 (a) a Chairman, who shall be a pharmacist with not less than twenty
13 - five years post registration experience;

14 (b) the Head of Food and Drug Services Department of the Federal
15 Ministry of Health or his representative;

16 (c) the President of the Pharmaceutical Society of Nigeria;

17 (d) one Director responsible for Pharmaceutical Services from
18 each of the geo-political zones chosen in rotation among the States in the

1 respective zones;

2 (e) six members of the Committee of Deans chosen in rotation from
3 approved Faculties of Pharmacy in Nigerian Universities;

4 (f) the head of Pharmaceutical Services of the Armed Forces of
5 Nigeria;

6 (g) the Director-General of the National Institute of Pharmaceutical
7 Research and Development or his representative;

8 (h) six members to represent the geo-political zones of the Federation,
9 on the recommendation of the Pharmaceutical Society of Nigeria through the
10 Minister;

11 (i) one member who shall be a registered Pharmacy Technician in
12 good standing with the Council with not less than ten years post-registration
13 experience; and

14 (j) the Registrar of the Council who shall be a member and the
15 Secretary to the Council.

16 (2) The Chairman and members of the Council shall be paid such
17 emoluments, allowances and benefits as the President may, from time to time,
18 direct in line with the recommendations of the Revenue Mobilization,
19 Allocation and Fiscal Commission.

Appointment and
tenure of Members
of the Council

20 3.-(1) The Chairman and other members of the Council other than the
21 Registrar, shall-

22 (a) be appointed by the President on the recommendation of the
23 Minister;

24 (b) hold office on part time basis for a term of four years; and

25 (c) be eligible for re-appointment on satisfactory performance for a
26 further term of four years and no more;

27 (2) The office of the Chairman or a member of the Council shall
28 become vacant where-

29 (a) his term of office expires;

30 (b) he resigns his appointment as a member of the Council by a notice

1 in writing under his hand addressed to the President; or

2 (c) he dies;

3 (3) The President may on the recommendation of the Minister
4 remove the Chairman or a Member of the Council on any of the following
5 grounds-

6 (a) he has been absent from the Council meetings for four
7 consecutive times without the permission of the Council;

8 (b) he is incapable of carrying out his duties due to mental or
9 physical infirmity;

10 (c) he has been declared bankrupt or he makes compromise with
11 his creditors;

12 (d) he has been convicted of a felony or any offence involving
13 fraud or dishonesty;

14 (e) he is guilty of gross misconduct relating to his duties;

15 (f) the President is satisfied that it is not in the interest of the
16 Council or of the public for the person to continue in office; or

17 (g) in the case of an ex - officio member, he ceases to hold the office
18 on the basis of which he became a member of the Council

19 (4) Where any member of the Council ceases to hold office before
20 the date when his term of office would have expired by the effluxion of time,
21 the body or person by whom he was appointed shall as soon as possible
22 appoint a person to fill the vacancy for the residue of the term aforesaid.

23 (5) The provisions of the First Schedule to this Act shall have effect
24 with respect to the proceedings of the Council and other matters mentioned
25 in it.

26 4.-(1) The Council shall in the public interest-

27 (a) administer the provisions of this Act;

28 (b) regulate the standard of Pharmacy practice and business in
29 Nigeria;

30 (c) determine the standard of knowledge and skills to be attained by

Functions and
Powers of the
Council

1 persons seeking to become registered members of the pharmacy profession and
2 review such standards, from time to time:

3 (d) determine and set standards for the degree courses in Faculties of
4 Pharmacy in Nigerian Universities;

5 (e) establish requirements and standards for registration of intern
6 Pharmacists for internship and any other experiential training to enable a
7 person obtain practical experience in the practice of pharmacy;

8 (f) establish requirements for the grant of licence to intern
9 Pharmacists to undergo internship training and engage in the practice of
10 Pharmacy in an approved institution under the direct supervision of registered
11 pharmacists:

12 (g) establish and maintain a register of persons entitled to practice as
13 members of the pharmacy profession and publish the list of members from time
14 to time:

15 (h) approve, licence and regulate the registration and practice or
16 operations in all pharmaceutical premises where drugs, medicines and poisons
17 are manufactured, imported, exported, distributed, stored, dispensed or sold in
18 Nigeria;

19 (i) establish and maintain a register of premises used for the
20 manufacture, storage, importation, exportation, distribution, sale and
21 dispensing of drugs, poisons and medicines;

22 (j) formulate, publish and review from time to time, the Code of
23 Conduct, Ethics and Practice of the pharmacy Profession and code of conduct
24 for pharmacy technicians, patent medicine vendors and pharmaceutical
25 marketers;

26 (k) determine the standards of knowledge and skills to be attained by
27 persons seeking to become pharmacy technicians and patent medicine
28 vendors, and review such standards, from time to time;

29 (l) establish requirements for continuing education and development
30 for pharmacists, pharmacy technicians, patent medicine vendors and other

1 cadres in practice in institutions and centres recognized by it, including the
2 determination of acceptable continuing educational and developmental
3 courses.

4 (m) register, regulate and control the practice of pharmacy
5 technicians or such other cadres as may be recognized by the Council in
6 Nigeria;

7 (n) register, regulate and control the activities of Patent and
8 Proprietary Medicines Vendors and satellite medicine facilities in Nigeria;

9 (o) regulate and control the practice of pharmaceutical marketing
10 and representations;

11 (p) regulate and control pharmacy practice in all its aspects and
12 ramifications; and

13 (q) do such other things that are necessary to ensure the efficient
14 discharge of the functions conferred on the Council under this Act.

15 **PART II - REGISTRAR AND OTHER STAFF OF THE COUNCIL.**

16 **5.-(1)** There shall be a Registrar appointed by the Council who
17 shall be a registered Pharmacist of not less than 20 years post - registration
18 experience;

Appointment,
Functions and
tenure of the
Registrar of the
Council

19 **(2)** The Registrar shall be-

20 (a) the chief executive and accounting officer of the Council;

21 (b) member and secretary to the Council and the secretary to the
22 Disciplinary Tribunal;

23 (c) responsible for the execution of policies, decisions and
24 directives of the Council and the day-to-day administration of the Council;

25 (d) responsible for keeping and maintaining the registers under this
26 Act; and

27 (e) subject to the supervision and control of the Council.

28 **(3)** The Registrar shall hold office-

29 (a) for a term of four years from the date of his appointment and

1 shall be eligible for re-appointment for another term of 4 years and no more:
2 and

3 (b) on such other terms and conditions as may be specified in his letter
4 of appointment.

5 (4) The office of the Registrar shall become vacant where -

6 (a) his term of office expires;

7 (b) he resigns his appointment as Registrar by a notice in writing
8 under his hand addressed to the Council;

9 (c) he is incapable of carrying out his duties due to mental or physical
10 infirmity;

11 (d) he has been declared bankrupt or he makes compromise with his
12 creditors;

13 (e) he has been convicted of a felony or any offence involving fraud or
14 dishonesty;

15 (f) he is guilty of gross misconduct relating to his duties;

16 (g) he dies; or

17 (h) the Council is satisfied that it is not in the interest of the Council or
18 of the public for the person to continue in office.

Other Staff of
the Council

19 6.-(1) The Council shall appoint directly or on secondment from other
20 Government Ministries, Departments and Agencies such number and category
21 of employees as it may require in the effective discharge of its duties and
22 functions under this Act.

23 (2) The Council shall have power to appoint, promote and discipline
24 staff of the Council.

25 (3) The Council shall make rules and regulations in line with Public
26 Service Rules relating to the conditions of service of employees of the Council,
27 including rules providing for the appointment, promotion, advancement,
28 determination of appointment and discipline of the employees.

29 (4) The members of staff of the Council shall be public officers as

1 defined in the Constitution of the Federal Republic of Nigeria, 1999 (as
2 amended).

3 (5) Service in the Council shall be pensionable service under the
4 Pension Reform Act provided that nothing in this section shall exclude the
5 Council from employing staff on non-pensionable terms and conditions.

6 7. The Council shall have the power to establish Zonal and State
7 Offices to enhance its operations and the performance of its functions under
8 this Act. Zonal and State
Offices

9 8. The Council may cooperate with relevant organisations and
10 authorities involved in public health - related issues in the performance of its
11 functions under this Act. Co-operation with
other Bodies

12 PART III - FINANCIAL PROVISIONS

13 9.-(1) There is established for the Council, a fund which shall
14 consist of- Fund of the
Council

15 (a) budgetary and extra budgetary allocations received from the
16 Government of the Federation, grants and annual subventions;

17 (b) all monies held immediately before the commencement of this
18 Act by the Pharmacists Council of Nigeria;

19 (c) gifts, loans, endowment, grants-in-aids, testamentary
20 disposition, bequest or other voluntary contributions where the terms and
21 conditions attached are not inconsistent with the functions of the Council;

22 (d) all foreign aids and monetary assistance received by the
23 Council under any agreement or arrangement with any international body or
24 organization with the approval of the Government of the Federation;

25 (e) fees, charges for publications and services rendered by the
26 Council; and

27 (g) such other monies as may be received by the Council from
28 investments and other sources.

29 (2) The Council may apply the fund established under subsection
30 (1) of this section-

- 1 (a) to pay the costs of administration, charges and expenses of the Council;
- 2 (b) to discharge the cost of maintaining the Head Office and other
- 3 offices of the Council;
- 4 (c) for the development and maintenance of any property vested in or
- 5 owned by the Council;
- 6 (d) for the payment of the allowances and other benefits of members
- 7 of the Council or any committee set up by it;
- 8 (e) for payment of emoluments, allowances, benefits and other
- 9 entitlements of the Registrar and other staff of the Council;
- 10 (f) for payment for all purchases made by the Council and the training
- 11 of members of its staff;
- 12 (g) for provision of scholarships, bursaries and awards for specialized
- 13 training of members of staff of the Council;
- 14 (h) for payment to publicize and promote the activities of the Council;
- 15 (i) for payment to various stakeholders involved in regulatory
- 16 activities of the Council;
- 17 (j) for payments for the support of national and international scientific
- 18 and professional organizations;
- 19 (k) for maintaining general financial reserves subject to general or
- 20 specific directives that may be given by the President;
- 21 (l) for payments of annual and other subscriptions and contributions
- 22 to national and international scientific and professional organizations;
- 23 (m) for the payment of all consultancies, legal fees and costs of
- 24 contracts awarded by the Council; and
- 25 (n) for any other expenditure as may be approved by the Council,
- 26 from time to time, in connection with all or any of its functions and powers
- 27 under this Act.
- 28 **10.-(1)** The Council may invest any or all monies in its fund, not
- 29 immediately required for its current expenditure in-
- 30 (a) any securities created or issued by or on behalf of the Federal

Investment of
the Fund of the
Council

1 Government, as may be approved by the Council, from time to time:

2 (b) the purchase or improvement of any land in any part of the

3 Federation; or

4 (c) any venture in Nigeria as may be approved by Minister,

5 including investment in stocks quoted at the Nigerian Stock Exchange.

6 (2) In the exercise of its powers of investment under subsection (1)

7 of this section, the Council may from time to time vary any such investments

8 and may deposit any monies for the time being un-invested with any bank

9 approved by the Council in line with Government Regulations.

10 **11.** The Council may with the approval of the President and in line

Power to borrow

11 with applicable laws, policies and regulations, borrow such sums by way of

12 loan, overdraft or from any other source, as may be required for the

13 performance of its functions and meeting its obligations under this Act; and

14 any interest payable on monies so borrowed shall be paid out of the fund of

15 the Council.

16 **12.-(1)** The Council may accept gifts of land, money or other

Power to accept
gifts

17 property on such terms and conditions, if any, as may be specified by the

18 persons or organisation making the gift.

19 (2) The Council shall not accept any gift if the conditions attached

20 by the persons or organisation offering the gift are inconsistent with the

21 functions of the Council under this Act.

22 **13.-(1)** The Council shall, not later than 30th September of each

Annual Estimates

23 financial year, prepare and submit to the Minister for onward transmission to

24 the National Assembly, an estimate of its income and expenditure for the

25 next succeeding year.

26 (2) Notwithstanding the provisions of subsection (1) of this

27 section, the Council may, where necessary due to unforeseen circumstances,

28 submit supplementary or adjusted statements of estimated income and

29 expenditure to the Minister for onward transmission to the National

30 Assembly for approval.

Accounts, records
and audit

1 **14.-(1)** The Council shall keep proper and regular accounts and other
2 records of monies received and paid by the Council and for other purposes for
3 which monies have been received or paid, and of its assets, credits and
4 liabilities in respect of each year and shall cause its accounts to be audited on or
5 before 31st March of the following year to which the accounts relate, by a firm
6 of auditors appointed from the approved list of auditors, and in accordance with
7 guidelines, supplied by the Auditor-General for the Federation.

8 (2) The Council shall do all things necessary to ensure that all
9 payments of its funds and bank accounts are correctly made and properly
10 authorised and that adequate control is maintained over its assets.

11 (3) As soon as the accounts and the financial statements of the Council
12 have been audited in accordance with the requirement of this Act, the Council
13 shall forward a copy of the audited financial statements to the Minister together
14 with any report or observations made by the auditors and the Auditor-General
15 for the Federation on the statement of accounts.

16 (4) The remuneration of the auditor shall be paid out of the fund of the
17 Council.

Annual Repots

18 **15.** The Council shall, not later than 30th June of each year, prepare
19 and submit to the Minister and the Auditor - General of the Federation, a report
20 on the activities and administration of the Council during the preceding year
21 and shall include in the report a copy of the audited accounts of the Council for
22 the year and the auditor's report thereon.

23 PART IV - REGISTERS OF PHARMACISTS, PHARMACY TECHNICIANS,

24 PREMISES, SATELLITE MEDICINE FACILITIES AND

25 PATENT MEDICINES SHOPS

Keeping and
maintaining
registers

26 **16.-(1)** The Registrar shall in accordance with Rules made by the
27 Council, keep and maintain-

28 (a) a register of Pharmacists, where the names, addresses,
29 qualifications and such other particulars of all persons who are entitled to be
30 enrolled as provisional members or members of the profession who apply to

1 the Council to be so registered shall be entered;

2 (b) the register of Pharmacy Technicians where the names,
3 addresses, qualifications and such other particulars of all persons who are
4 entitled to be enrolled as Pharmacy Technicians who apply to the Council to
5 be so registered shall be entered;

6 (c) the registers of premises used by Pharmacists, Pharmacy
7 Technicians and Patent Medicine vendors, or any other person licensed by
8 the Council for the manufacture, production, exportation, importation,
9 stocking, distribution, sale or dispensing of drugs and medicines and the
10 provision of other pharmaceutical products shall be entered; and

11 (d) any other register that the Council may require to be kept from
12 time to time.

13 (2) The register of Pharmacists provided for under subsection (1)
14 of this section shall consist of two parts as follows-

15 (a) provisional members; and

16 (b) members.

17 (3) The register of the Pharmacy Technicians provided for under
18 subsection (1) of this section shall consist of-

19 (a) the names of Pharmacy Technicians;

20 (b) matters relating to Pharmacy Technicians; and

21 (c) particulars of the location where medicines are sold or
22 distributed by Pharmacy Technician or satellite medicine facility.

23 (4) A register of premises referred to under subsection (1) of this
24 section shall contain-

25 (a) the names and addresses of premises to which the entries relate
26 and to which members carry on pharmacy business;

27 (b) the type of pharmaceutical practice being carried on at the
28 premises;

29 (c) the name of the Pharmacist or person, company, firm or body
30 lawfully carrying on the business;

1 (d) the name of the approved vendor of medicines and location where
2 the medicines are being sold; and

3 (e) such other matters relating to the premises as may be specified by
4 the Council.

Rules for keeping
and maintaining
Registers

5 **17.-(1)** Subject to the provisions of this Act, the Council shall make
6 rules with respect to the forms, contents, parts and procedures for keeping and
7 making of entries in any of the registers provided under this Part.

8 (2) The rules made pursuant to subsection (1) of this section shall in
9 particular make provision for-

10 (a) regulating the making and processing of applications for
11 enrolment of provisional members or members and the registration of premises
12 under this section;

13 (b) providing for the notification to the Registrar of any change in
14 those particulars by the person to whom any registered particulars relate or by
15 the person carrying on a pharmacy practice at any registered premises;

16 (c) providing for the procedure for the acceptance and registration of
17 additional qualification to the earlier qualification held by him which is in
18 relation to the profession;

19 (d) specifying the fees, including any annual subscription, to be paid
20 to the Council in respect of-

21 (i) entry of names in the register of Pharmacists or in respect of the
22 registration of premises in the register of premises, and

23 (ii) entry of names in the register of Pharmacy Technicians or in
24 respect of the registration of Satellite Medicine Facilities or Patent Medicines
25 Vendors in respect of registration of shops;

26 (e) authorising the Registrar to refuse to enter a name or premises in a
27 register until any fees specified for the entry has been paid or until the premises
28 comply with the requirements of this Act or of rules made on that behalf which
29 are for the time being in force; and

30 (f) specifying any other thing not mentioned under the foregoing

1 provisions which the Council considers necessary or expedient.

2 (3) A document signed by the Registrar stating that, on a specified
3 date, specified persons or premises were or were not registered under this
4 Act shall be admissible in a proceeding as evidence of such registration or
5 non - registration.

6 **18.** It shall be the duty of the Registrar, to -

7 (a) correct any entry in the registers of Pharmacists, premises,
8 Pharmacy technicians, satellite medicines facilities and patent medicines
9 shops in accordance with the Council's directions or order of court;

10 (b) make or update, from time to time, any necessary alteration in
11 the registers of Pharmacists, Pharmacy Technicians, satellite medicines
12 facilities, licensed patent medicines shops and the registers of premises as
13 may be necessary or expedient;

14 (c) remove from the registers of Pharmacists, pharmacy
15 technicians, satellite medicines facilities and patent medicines shops or the
16 registers of premises the name of any registered person who is dead or
17 premises which has ceased to be used for the purpose for which it was
18 registered; and

19 (d) remove from the register of premises any premises that its
20 registration has become void under the provisions of this Act.

21 **19.-(1)** Where the Registrar-

22 (a) sends by registered post, e-mail or other recognised means of
23 communication to any person, a letter addressed to him at the address on the
24 register of Pharmacist, Pharmacy Technician, satellite medicines facilities
25 and Medicines Vendor, enquiring whether the registered particulars relating
26 to him or to the premises at which he carries on pharmacy practice are
27 correct and the Registrar receives no reply to the letter within a period of six
28 months from the date of posting or sending it; and

29 (b) considers it necessary upon the expiration of that period of six
30 months, sends in the like manner to the person in question, a second similar

Correction of
entries in the
Registers

Removal of names
from the Registers

1 letter and receives no reply within three months from the date of posting or
2 sending it;

3 the Registrar may remove the name and particulars of that person or any
4 registered premises where that person carries on a pharmacy practice from the
5 register of Pharmacists, Pharmacy technicians, satellite medicines facilities
6 and Patent Medicines Vendors or the registers of premises or both.

7 (2) The Council may direct the Registrar to restore to the appropriate
8 register any name, premises or particulars removed from the register under
9 subsection (1) of this section.

Publication of list
of Pharmacists,
Pharmacy
Technicians,
premises, satellite
medicines facilities
and patent
medicines shops,
etc.

10 20. The Registrar shall cause -

11 (a) the list of licensed Pharmacists, Pharmacy Technicians, Satellite
12 Medicines Facilities, Patent Medicines Vendors and licensed premises to be
13 printed, published and gazetted not later than two years from the
14 commencement of this Act: to be updated, printed and published, each of the
15 lists referred to under paragraph (a) of this section, in each subsequent year;

16 (b) a print of each edition of the list of licensed Pharmacists,
17 Pharmacy Technicians, satellite medicines facilities and Vendors and the lists
18 of premises and of each document or corrections thereto to be deposited at the
19 principal office of the Council; and

20 (c) to be kept, the documents so deposited in line with the provisions
21 of paragraph (c) of this section, open to members of the public at all reasonable
22 times for inspection.

Print of an
edition of a
register as
admissible evidence

23 21.-(1) A document purporting to be a print of an edition of any list
24 published under section 20 of this Act by authority of the Registrar, or
25 documents purporting to be prints of an edition of such list, and of the lists of
26 corrections to that edition so published in the current year and of lists of
27 corrections to that edition so published, shall (without prejudice to any other
28 mode of proof) be admissible in any proceedings as evidence showing that-

29 (a) any other person or premises specified in the document, or

30 (b) the documents read together, as being licensed:

1 was so licensed at that date of the edition or of the list of corrections of
2 licensed persons or premises, as the case may be, and that any person or
3 premises not so specified was not so licensed at that date.

4 (2) Where in accordance with subsection (1) of this section, the
5 name of any person or any premises, as the case may be, is in any
6 proceedings shown to have been or not to have been licensed in the register
7 of pharmacists or the register of premises at a particular date, the person or
8 the premises, as the case may be, shall unless the contrary is proved, be taken
9 for the purposes of those proceedings as having at all material times
10 thereafter continued to be, or not to be so licensed.

11 PART V - REGISTRATION OF PREMISES

12 22.-(1) Any place used for the purpose of dispensing, selling, Registration of
Premises
13 compounding, distribution, storage, stocking, retailing, wholesale,
14 manufacturing, importation, exportation of drugs and poisons, scientific
15 offices or any other form of pharmaceutical activities shall be registered in
16 accordance with the provisions of this Act.

17 (2) Where an application is made under subsection (1) of this
18 section and it appears to the Registrar that the premises to which the
19 application relates do not comply with the requirements of this Act, the
20 Registrar may refuse to register the premises and state the reasons for such
21 refusal in writing.

22 (3) The applicant may within thirty days after the service of notice
23 of refusal by the Registrar under subsection (2) of this section, give notice to
24 the Registrar of his desire to be heard or make representation in writing to
25 the Registrar with respect to the notice of refusal.

26 (4) The Registrar before making any determination under
27 subsection (3) of this section shall-

28 (a) where the applicant has given notice of his desire to be heard;
29 afford the applicant an opportunity of appearing before and being heard by a
30 person appointed by the Registrar for the purpose; or

1 (b) where the applicant has made representations in writing; consider
2 the representations of the applicant in determining whether the premises is
3 suitable for registration or otherwise.

4 (5) Where a determination is made pursuant to subsection (4) of this
5 section that the premises is-

6 (a) suitable for registration, the Registrar shall cause the details of the
7 premises to be entered into the register subject to the provisions of section 23 of
8 this Act; or

9 (b) unsuitable for registration, the Registrar shall not enter the
10 premises in the register; and
11 shall notify the applicant of his decision accordingly.

12 (6) Where the applicant is dissatisfied with the decision under
13 paragraph (b) of subsection (5) of this section, he may within fourteen days
14 after being notified of the decision make application in writing to the Council
15 stating the grounds of his dissatisfaction and the reliefs sought.

16 (7) The Council shall consider and determine the application made
17 pursuant to the provisions of subsection (5) of this section within three months
18 of the receipt of the application or such extended period as it may deem
19 necessary in any particular case.

20 (8) Where the Council pursuant to subsection (6) of this section,
21 determines that the premises is-

22 (a) suitable for registration, the Registrar shall enter the premises in
23 the register, subject to the provisions of section 23 of this Act; or

24 (b) unsuitable for registration, the Registrar shall not enter the
25 premises in the register; and
26 shall notify the applicant of the decision accordingly, in writing.

Payment of fees
in respect of
registration and
retention of
premises

27 23.-(1) The Council shall prescribe the fees for the registration and
28 retention of premises.

29 (2) The Council may vary the prescribed fees provided for under
30 subsection (1) of this section.

1 (3) A person shall not operate a premises where drugs, poisons and
2 medicines are sold, dispensed, distributed, manufactured, stored, imported
3 or exported unless he has paid the prescribed fees and is duly licensed by the
4 Council.

5 24.-(1) Where any premises has been entered in the register of
6 premises, a retention fee of an amount prescribed by the Council in respect
7 of the type of pharmacy practice being carried on at the premises, shall be
8 payable to the Council every subsequent year by the person carrying on the
9 pharmacy practice in the premises.

Payment of
retention fees

10 (2) A retention fee shall become due on the first day of January of
11 each year.

12 (3) Where the person carrying on pharmacy practice at any
13 premises entered in the register of premises fails to pay the retention fee in
14 respect of any year by 31st day of March, the Council may close the
15 premises and remove the name from the register of premises.

16 (4) Where the person in default of payment of retention fees under
17 subsection (2) of this section, pays before the end of the year in default,
18 together with additional sum, if any, the Registrar shall restore the name of
19 the premises to the register and the restoration shall be deemed to have had
20 effect as from the date on which the premises were removed from the
21 register of premises.

22 25. The Registrar shall keep record of the names of registered
23 persons who are in default of the payment of the annual subscription for a
24 period of more than six months and take such actions including the removal
25 of the names of the defaulters from the appropriate register as the Council
26 may direct or require.

Records of annual
subscription
defaulters

27 26.-(1) Every person who carries on practice of Pharmacy whether
28 on line or on sight shall, in the month of January in each year deliver to the
29 Registrar, an application for renewal or retention of name of the premises at
30 which his practice is located or where he carries on his practice for a

Application for
retention of name
of all premises

1 prescribed fee.

2 (2) An application for renewal or retention of premises under
3 subsection (1) of this section shall state the name of the Superintendent
4 Pharmacist under whose control the practice is being carried on.

Operating a Retail
Community
Pharmacy of
Pharmaceutical
Company

5 27.-(1) A person shall not own or operate a retail or community
6 pharmacy practice unless such a person is registered as a Pharmacist under this
7 Act.

8 (2) The Council may approve satellite pharmacy owned by licensed
9 pharmacists who have a minimum of 10 years post-registration experience
10 provided that such satellite pharmacy is affiliated to a registered
11 pharmaceutical premises for the purpose of regulation and control.

12 (3) A company owned by non-Nigerians or foreign company shall not
13 own or operate a chain retail or community pharmacy unless such a company
14 has Nigerian pharmacist or pharmacists on Board of Directors who shall alone
15 or jointly own not less than 40% shares of the company.

16 (4) Where the company referred to in subsection (3) is wholly owned
17 by Nigerians, the Pharmacy Director or Directors shall own not less than 10%
18 of the shares of such company.

19 (5) A corporate body shall not operate a pharmaceutical company for
20 the purpose of manufacture, importation, exportation or wholesale business
21 without having as a member of the Board of Directors, at least a registered
22 Pharmacist who shall be a shareholder of the company.

23 (6) A person or corporate body shall not own or operate a private
24 pharmacy in a public health facility.

Failure to renew
premises licence
by the 31st day
of March

25 28.-(1) Any licensee that fails to renew its licence by the 31st day of
26 January in each year shall in addition to the prescribed fee, pay a fine
27 equivalent to fifty percent of the applicable fee.

28 (2) Any premises which fail to renew its licence by the 31st day of
29 March in each year shall be considered to be operating in violation of the
30 provisions of this Act and shall be liable to closure by the Council.

1	29.-(1) Every pharmaceutical premises shall be under the direct	Requirement for
2	supervision of a Superintendent Pharmacist.	Superintendent
3	(2) Where a premises is operated without a Superintendent	Pharmacists
4	Pharmacists for a continuous period of thirty days, the registration of the	-
5	premises certificate shall lapse at the expiration of that thirty days.	
6	30.-(1) A body corporate shall notify the Council of any change in	Notification of
7	its company's profile. profile of Pharmacist Director, ownership, type of	change in company's
8	business being done on the premises and name of the company not later than	profile
9	sixty days of its occurrence.	
10	(2) A body corporate shall conspicuously display the original of the	
11	Superintendent Pharmacist's annual licence and certificate of registration of	
12	the premises.	
13	31.-(1) The Council shall appoint licensed pharmacists as	Appointment of
14	Pharmaceutical Inspection officers.	Pharmaceutical
15	(2) A person appointed by the Council as Pharmaceutical	Inspection Officer
16	Inspection officer may for the purposes of section 32 of this Act enter at any	
17	reasonable time-	
18	(a) any premises where pharmaceutical activities are carried on; or	
19	(b) any premises on or in relation to which he has reasonable cause	
20	to believe that an offence with respect to this Act has been committed.	
21	32.-(1) A pharmaceutical Inspection officer may -	Powers of
22	(a) require the Superintendent Pharmacist on the premises to	Pharmaceutical
23	furnish him with any information in his or her possession concerning the	Inspection Officer
24	pharmaceutical activities being carried on in the premises;	
25	(b) inspect the premises and any articles found on the premises;	
26	(c) enter into Premises which he reasonably believes was closed or	
27	locked with a view to concealing illegal pharmaceutical activities; or	
28	(d) seize from the premises any drugs, poisons, medicines, health	
29	consumables or articles found in the premises operated in violation of any	
30	provision of this Act.	

1 (2) Where drugs, poisons, medicines or articles are seized pursuant to
2 this section, an inventory of such drugs or articles shall be taken and signed by
3 the-

4 (a) Pharmacist, pharmacy technician or medicine vendor, as may be
5 appropriate; and

6 (b) Pharmaceutical inspection officer.

7 (3) A copy of the inventory under subsection (2) of this section shall
8 be given to the pharmacist, pharmacy technician or medicines vendor.

9 (4) Where it is impracticable for such inventory to be taken on the
10 premises in issue, inventory may be taken as soon as practicable and the
11 pharmaceutical inspection officer shall give a copy of the inventory to the
12 Pharmacist, pharmacy technician, vendor or any other person in-charge of the
13 premises.

14 (5) Where the Pharmacist, pharmacy technician, vendor or any other
15 person in-charge of the premises refuses to sign or accept the copy of the
16 Inventory under subsection (3) or (4) of this section, the Pharmaceutical
17 Inspector shall sign the inventory and swear to an affidavit to that effect.

18 (6) A Pharmaceutical inspection officer appointed by the Council in
19 the course of his duty and on production of his identity card if so requested,
20 may-

21 (a) enter for inspection any pharmacy, hospital pharmacy, or any other
22 place in which drugs and medical devices are manufactured, stocked, packed,
23 packaged, made, stored, dispensed, sold, offered for sale or kept, whenever the
24 need arises;

25 (b) examine any article or anything in any premises which is
26 reasonably believed to be used or capable of being used for pharmaceutical
27 activities including manufacture, preparation, compounding, mixing,
28 preservation, packaging, storage, dispensing or sale of any drug or medical
29 device;

30 (c) take a sample or specimen of any drug or medical device which he

1 has power to examine under this Act or Regulations made pursuant to this
2 Act;

3 (d) open and examine while in the premises any container or
4 package which he reasonably believes may contain anything which may
5 help in his investigation;

6 (e) examine any book, computer, document, prescription, register
7 of poison or dangerous drugs or other records, electronic or printed found on
8 the premises which the pharmaceutical inspection officer reasonably
9 believes may contain any information relevant to the enforcement of the Act
10 and make copies thereof or extracts from it; and

11 (f) seize any article in relation to which he reasonably believes that
12 a provision of this Act has been violated.

13 (7) A pharmaceutical inspection officer who uses to his advantage
14 or discloses to a third party any information obtained in the course of his
15 duties under this Act other than for investigative and prosecutorial purposes,
16 commits an offence.

17 (8) Any person who willfully delays, cause to be delayed or
18 obstruct or cause to be obstructed a pharmaceutical inspection officer in the
19 exercise of any of the powers conferred upon him under this Act, commits an
20 offence.

21 (9) The owner or person in-charge of any premises entered into by a
22 pharmaceutical inspection officer shall render all reasonable assistance
23 within their powers to the pharmaceutical inspection officer and shall make
24 available to him all such information as he may reasonably require for the
25 purpose of the Act.

26 (10) A person operating any pharmaceutical business on any
27 premises has a duty to provide information on the owner when requested by
28 an inspector and to produce to the inspector all books kept in accordance
29 with this Act.

30 (11) A pharmaceutical inspection officer has the power to seize

1 medicines, drugs, poisons, devices or wares in any unlicensed premises or
 2 place and seal such premises in accordance with the provisions of this Act or
 3 regulations made by the Council.

4 (12) A pharmaceutical inspection officer has the power to seize
 5 medicines, drugs, poisons, devices or wares in any licensed premises where
 6 such drugs, poisons, devices or wares are outside the approved category in its
 7 operational license.

8 (13) Subject to the provisions of this Act relating to forfeiture, any
 9 article, medicines, drugs, poisons, devices or wares seized under this Act, shall
 10 be kept or stored in such a place as the Council may direct.

Inspection and
 registration of
 Hospital
 Pharmacies

11 33.-(1) Pharmacies in both public and private hospitals and clinics
 12 shall be subject to inspection, registration and annual licensure by the Council.

13 (2) There shall be a Superintendent Pharmacist in every public or
 14 private hospital, clinic or healthcare institution where drugs are dispensed.

15 (3) The Council may grant exemptions on the application of
 16 subsections (1) and (2) of this section or prescribe supervisory roles to cover
 17 pharmaceutical services in underserved areas, on such terms as the Council
 18 may prescribe.

19 (4) Hospitals, Clinics and health Institutions without Superintendent
 20 Pharmacists shall only store emergency drugs for the immediate treatment of
 21 their patients.

22 PART VI - REGISTRATION OF PHARMACISTS

Registration of
 Pharmacists

23 34.-(1) A person shall not hold any appointment as a Pharmacist or
 24 practice as a Pharmacist in Nigeria unless he is registered with the Council
 25 under the provisions of this Act.

26 (2) A registered Pharmacist shall be entitled to practice as a
 27 Pharmacist in any part of Nigeria provided he is licenced to practice.

Registration of
 provisional
 member or member

28 35.-(1) A person admitted to membership of the Pharmacy profession
 29 in Nigeria under the provisions of this Act may be registered as -

30 (a) a provisional member; or

1 (b) a member.

2 (2) A person shall be entitled to be enrolled as a provisional
3 member where he-

4 has completed a degree course of study in a Faculty of Pharmacy in a
5 recognised University, has submitted a written application in the form
6 prescribed by the Council and has paid the prescribed registration fee-

7 (a) has sworn to the Pharmacist oath;

8 (b) is of good character;

9 (c) has not been convicted in the last ten years in Nigeria or
10 elsewhere of any criminal offence involving fraud or dishonesty; and

11 (d) meets any other requirements for registration as a provisional
12 member of the profession as may be prescribed by the Council;

13 (3) A person shall be entitled to be registered as a member of the
14 profession if in addition to holding the qualifications and satisfying all the
15 conditions set out in subsection (2) of this section; he -

16 (a) has submitted a written application in the form prescribed by
17 the Council and paid the prescribed fee for his registration;

18 (b) has completed the statutory continuous internship training for
19 not less than one year in an institution approved by the Council and has
20 obtained from the approved institution a certificate of experience in that
21 regard;

22 (c) meets any other requirements for registration as a member of
23 the profession as may be prescribed by the Council.

24 36. A Nigerian citizen who qualified as a Pharmacist in an
25 approved institution outside Nigeria shall be registered as a Pharmacist
26 under this Act; where he-

Registration of
Nigeria citizens
who qualified
outside Nigeria

27 (a) holds a qualification in Pharmacy awarded by an approved or
28 recognised university outside Nigeria which qualification for the time
29 being, is acceptable to the Council for the purposes of this Act;

1 (b) holds a certificate of registration as a Pharmacist, acceptable to the
2 Council;

3 (c) has completed in Nigeria the statutory internship course of
4 training and obtained certificate specified in section 35 (3) (b) of this Act
5 (where applicable);

6 (d) has received instructions in Pharmacy for a period specified by the
7 Council in an institution in Nigeria approved by the Council for the purpose,
8 and has passed such examinations as the Council may prescribe, including an
9 examination in Forensic Pharmacy;

10 (e) is of good character;

11 (f) ~~has not been convicted in the last ten years in Nigeria or elsewhere~~
12 ~~of any criminal offence involving fraud or dishonesty;~~

13 (g) submits a duly completed application in writing in the prescribed
14 form and paid the prescribed fee for his registration; and

15 (h) meets any other requirements for registration as a member of the
16 profession as may be prescribed by the Council.

Registration of
non-Nigerian
Pharmacists

17 37.-(1) A person who is not a citizen of Nigeria may be registered as a
18 Pharmacist under this Act if the country of which he is a citizen grants
19 reciprocal registration facilities to Nigerian citizens and where he -

20 (a) holds a requisite qualification recognised by the Council;

21 (b) has passed the Council's examination in law and ethics governing
22 the practice of Pharmacy in Nigeria and such other examinations as the Council
23 may prescribe;

24 (c) has acquired the requisite experience in accordance with section
25 34(3)(b) of this Act;

26 (d) has been resident in Nigeria for not less than twelve calendar
27 months immediately preceding the date of his application for registration; and

28 (e) meets all other requirements for registration as may be prescribed
29 by the Council.

30 (2) An applicant applying for registration under this section shall in

1 addition to evidence of qualification, satisfy the Council that he-

2 (a) is of good character;

3 (b) has not been convicted in the last ten years in Nigeria or
4 elsewhere of any criminal offence involving fraud or dishonesty;

5 (c) submits a duly completed application in writing in the
6 prescribed form; and

7 (d) has paid the prescribed fee for registration.

8 **38.-(1)** No person shall practice as a Pharmacist in any year unless
9 he has paid to the Council the appropriate practicing fees prescribed by the
10 Council which shall be due in January of each year as prescribed by the
11 Council.

Payment of
practicing fees

12 (2) The Council shall disburse or distribute the aggregate amount
13 collected as practicing fees as follows-

14 (a) 70 percent to the Pharmaceutical Society of Nigeria; and

15 (b) 30 percent to the Council.

16 (3) A Pharmacist with at least forty years post registration
17 experience or who has attained the age of sixty-five years is exempted from
18 the payment of practicing fees.

19 (4) A registered Pharmacist who fails to pay the prescribed
20 practicing fee by 31st day of March of every year shall in addition to the fee,
21 pay a fine of a sum which is equivalent to fifty percent of the applicable fee
22 within the year.

23 (5) A registered Pharmacist who has paid his practicing fee in any
24 year as prescribed in subsection (1) of this section or who is exempted from
25 payment of practicing fee under subsection (3) of this section, shall be
26 entitled to a practicing licence for that year authorising him, subject to any
27 enactment or regulation in force applicable to him to-

28 (a) import, export, mix, compound, prepare, dispense, sell, procure
29 and distribute drugs and poisons, herbal medicines, veterinary drugs and
30 health supplements, chemicals and home use Invitro Diagnostics (IVDs);

- 1 (b) monitor pharmaceutical products;
2 (c) perform other duties related to-
3 (i) Drug Utilization Review (DUR),
4 (ii) Pharmaceutical Care (PC),
5 (iii) Collaborative Drug Therapy Management (CDTM); and any
6 other pharmaceutical activities.

7 (6) The Council may from time to time, vary the practicing fees
8 prescribed in subsection (1) of this section provided that any variation of the
9 practicing fee shall not come into force unless confirmed at the Annual General
10 Meeting of the Pharmaceutical Society of Nigeria.

11 PART VII - TRAINING AND INTERNSHIP OF PHARMACISTS

Approval of
institutions and
pharmacy degree
courses, etc.

12 39.-(1) No Institution shall award any degree in pharmacy unless such
13 Institution and the Course of study are approved by the Council.

14 (2) The Council may approve-

15 (a) any course of training intended for persons seeking to become or
16 who are already Pharmacists and which in the opinion of the Council is
17 designed to confer appropriate knowledge and skills; and

18 (b) any qualification with attendant course content which in the
19 opinion of the Council affords the candidate sufficient knowledge and skill to
20 practice as Pharmacist.

21 (3) The Council may withdraw any approval given under subsection
22 (1) of this section in respect of any course, qualification or institution provided
23 that before such approval is withdrawn, the Council shall-

24 (a) give notice of such proposed withdrawal to the affected
25 institution;

26 (b) give the institution an opportunity of make representation to the
27 Council in respect of the proposed withdrawal; and

28 (c) take into account any representations made to it pursuant to
29 paragraph (b) of this subsection as regards the proposed withdrawal.

30 (4) A course, qualification or an institution shall not be treated as

1 approved under this section during any period that the approval is
2 withdrawn by the Council under this section.

3 (5) The withdrawal of an approval under subsection (3) of this
4 section shall not prejudice the registration or eligibility for registration of
5 any person who by virtue of the approval was registered or was eligible for
6 registration either unconditionally or subject to obtaining a certificate of
7 experience as an intern Pharmacist immediately before the approval was
8 withdrawn.

9 (6) The giving or withdrawal of an approval under this section shall
10 have effect from the date the Council may signify in an instrument and the
11 Council shall publish such instrument in the Gazette.

12 40.-(1) The Council shall, from time to time, assess the nature of
13 instructions given to persons undergoing professional degree course of
14 training in Pharmacy in an approved Institution.

Supervision and
assessment of
institutions,
instructions and
degree examinations

15 (2) The council may where necessary constitute external assessors
16 or visitation teams to evaluate degree examinations or course of training in
17 approved Institutions.

18 (3) The external assessors or visitation teams shall submit a report
19 to the Council on the approved institution visited and the report may
20 disclose-

21 (a) the adequacy of the instructions given to persons attending the
22 degree course of training in Pharmacy or the facilities for such instructions;

23 (b) the adequacy of the professional Pharmacy degree
24 examinations; and

25 (c) any other matter relating to the institutions and examinations on
26 which the Council may, either generally or in particular direct;
27 provided that external assessors or visitation team shall not in the
28 performance of its functions under this section interfere with the holding of
29 any degree examination.

30 (4) The Council may, on the receipt of a report made under this

- 1 section by a visitation team or external assessors, demand for a clarification
2 from the institution visited where necessary.
- Intern Pharmacists
trained in Nigeria 3 **41.-(1)** A person seeking to undergo training as an intern Pharmacist
4 under this Act shall-
- 5 (a) be a graduate and have received a first degree in Pharmacy from a
6 recognised University approved by the Council; and
7 (b) be duly registered as a provisional member.
- 8 (2) An intern Pharmacist shall within six weeks of commencing his
9 training as an intern notify the Council in the prescribed form of the -
- 10 (a) identity of the institution approved by the Council, where he is
11 undergoing his internship;
12 (b) particulars of the registered Pharmacist approved by the Council
13 to supervise his work; and
14 (c) date when the internship commenced.
- 15 (3) An intern Pharmacist shall as soon as any change in the particulars
16 mentioned in subsection (2) (a) and (b) of this section occurs, notify the
17 Council of the change.
- 18 (4) One year period of internship training shall be calculated from the
19 date of the notification referred to in subsection (2) of this section.
- 20 (5) An Intern Pharmacist, after the one year internship training shall
21 be required to pass a pre-registration examination to qualify for full registration
22 as a pharmacist.
- approval of
institutions for
internship
placement 23 **42.-(1)** An Institution or Facility shall not be used for internship
24 placement for the purposes of section 39 of this Act, unless approved by the
25 Council in writing.
- 26 (2) The Council shall approve an institution for the purpose of
27 subsection (1) of this section where it is satisfied that-
- 28 (a) the Institution or facility provide a conducive environment to the
29 learning of the practice of Pharmacy by intern Pharmacists; and
30 (b) all intern Pharmacists undergoing the training at the institution at

1 any particular time are exposed to all facets of the practice of Pharmacy
2 available at the institution or facility.

3 (3) The Council may make rules or guidelines for Internship
4 placement.

5 **43.-(1)** An intern Pharmacist in an approved institution under
6 section 40 (1) of this Act shall be under the direct supervision of a licensed
7 Pharmacist who must have practiced for such a period as Council may
8 specify by regulations.

Supervision of
Intern Pharmacists

9 (2) A Pharmacist serving as a supervisor of an intern Pharmacist
10 shall notify the Council in the prescribed form of the date of commencement
11 of the internship by the intern Pharmacist.

12 **PART VIII - TRAINING AND REGISTRATION OF PHARMACY TECHNICIANS**

13 **44.-(1)** No Institution shall award Pharmacy Technician certificate
14 unless such Institution and the Course of study are approved by the Council.

Training and
Registration of
Pharmacy
technician

15 (2) A person shall not be qualified to work as a Pharmacy
16 Technician in any part of the Federation unless he is duly registered and
17 issued with an annual permit by the Council as a Pharmacy Technician.

18 (3) A person shall not be registered by the Council as a Pharmacy
19 Technician unless he has-

20 (a) undergone a course of training for Pharmacy Technicians in a
21 School of Health Technology or any other institution approved by the
22 Council;

23 (b) been converted from pharmacy assistant to Pharmacy
24 Technician before the commencement of this Act or holds a certificate
25 issued by a recognised Institution approved by the Council; or

26 (c) undergone a course of training in a foreign institution
27 recognised by the Council for a specified period of time and has also
28 undergone a mandatory six months orientation programme in a School of
29 Health Technology or any other Institution recognised by the Council for
30 that purpose.

1 (4) A person who is registered as a Pharmacy Technician under
2 subsection (2) of this section shall work under the direct supervision and
3 control of a registered Pharmacist.

4 (5) A supervising Pharmacist shall not assign to a Pharmacy
5 Technician any duty which is required under the provision of this Act to be
6 performed only by a Pharmacist.

7 (6) A person who does not possess the qualifications specified in
8 subsection (2) of this section or who has not registered as a pharmacy
9 technician or deemed to have been so registered, shall not work or perform any
10 duty as a pharmacy technician at any place of work in any part of Nigeria.

11 (7) A person shall not-

12 (a) use or bear the title "Pharmacy Technician" in connection with any
13 work or duty performed by him at any place of work in any part of Nigeria, if he
14 is not registered as a Pharmacy Technician in accordance with the provisions of
15 this Act;

16 (b) use or bear the title "Pharmacy Technician" in connection with his
17 work or duty, in circumstances likely to suggest that he possesses any of the
18 qualifications specified in subsection (2) of this section for Pharmacy
19 Technicians but that person does not in fact possess or to suggest that he has
20 been registered or deemed to be registered as a Pharmacy Technician under this
21 Act, when in fact he is not so registered; and

22 (c) work as a Pharmacy Technician in any year unless he has paid in
23 respect of that year the prescribed annual permit renewal fee before 31st day of
24 March.

25 (8) Any person who violates the provisions of subsection (5) and (6)
26 of this section commits an offence and shall be liable on conviction to a term of
27 imprisonment for 2 years or a fine of N500,000 or to both such fine and
28 imprisonment.

Establishment of
Disciplinary
Tribunal

PART X - PROFESSIONAL DISCIPLINE

30 45.-(1) There shall be a tribunal to be known as the Pharmacy Council

1 of Nigeria Disciplinary Tribunal (hereinafter referred to as the "Tribunal")
2 which shall be charged with the responsibility of considering and
3 determining any case referred to it by the Investigating Panel established
4 under section 46 of this Act.

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

7 **46.-(1)** There shall be a body to be known as the Pharmacy Council
8 of Nigeria Investigating Panel (hereinafter referred to as the "Investigating
9 Panel") charged with the following responsibilities -

10 (a) conducting a preliminary investigation into any case where it is
11 alleged that a person registered under this Act as a Pharmacist, Pharmacy
12 intern or Provisional member has committed an act in that capacity
13 amounting to a professional misconduct or infamous conduct in a
14 professional respect, or should for any other reason be the subject of
15 proceedings before the Tribunal; and

16 (b) deciding whether the case should be referred to the Tribunal.

17 (2) The Panel shall be appointed by the Council and shall consist of
18 four members of the Council and one other person who is not a member of
19 the Council, but who shall be a registered Pharmacist appointed by the
20 Council.

21 (3) The provisions of the Second Schedule to this Act shall apply to
22 the Tribunal and the Investigating Panel respectively.

23 (4) Without prejudice to the foregoing provisions of this section,
24 the Council shall make regulations for the discipline of pharmacy
25 technicians and medicine Vendors when necessary.

26 **47.-(1)** For the purposes of this Part, professional misconduct or
27 infamous conduct in a professional respect include-

28 (a) the publication or circulation of false, misleading or deceptive
29 statements concerning the practice of pharmacy;

30 (b) divulging or revealing to unauthorized persons, a patient or

Establishment of
an Investigating
Panel

Meaning of
Professional
misconduct or
infamous conduct

1 another practitioner's information, or the nature of professional pharmacy
2 services rendered, without the patient's express consent, or without order or
3 direction of a court.

4 (c) selling, giving away, or disposing of accessories, chemicals,
5 drugs, medicines or devices which have been obtained illegally, when the
6 pharmacist knows or ought to have known of their having been obtained
7 illegally or their intended use in illegal activities;

8 (d) manufacturing, importing, exporting, procuring, compounding,
9 mixing, preparing, dispensing, selling, distributing of medicines, chemicals,
10 drugs, poisons, devices or accessories in an unlicensed premises;

11 (e) dispensing, selling, distributing, giving away or disposing
12 accessories, chemicals, drugs, poisons, medicines or devices to unauthorised
13 persons;

14 (f) engaging in conduct likely to deceive, defraud or harm the patient
15 or the public, or demonstrating a willful or careless disregard for the health,
16 welfare or safety of a patient or the public or engaging in conduct which
17 substantially departs from the standards of care ordinarily exercised by a
18 pharmacist;

19 (g) knowingly failing to maintain a complete and accurate records of
20 all drugs and medicines produced, received, dispensed or disposed of in
21 compliance with the requirements of all enactments, regulations and rules for
22 the time being in force;

23 (h) practicing the profession without being licensed; or

24 (i) obtaining any monies by fraud, misrepresentation or deception.

25 (2) Without prejudice to the provisions of subsection (1) of this
26 section, the Council may make rules prescribing other acts or omissions which
27 shall constitute professional misconduct or infamous conduct in professional
28 respect under this Act.

Penalties for
professional
misconduct, etc.

29 48. -(1) Where-

30 (a) a pharmacist is found by the disciplinary tribunal to be guilty of

- 1 professional misconduct or infamous conduct in any professional respect;
- 2 (b) a pharmacist is convicted by any court or tribunal in Nigeria or
- 3 elsewhere having power to award imprisonment, of an offence which in the
- 4 opinion of the tribunal is incompatible with his status as a pharmacist; or
- 5 (c) the disciplinary tribunal finds that the name of any person has
- 6 been fraudulently registered under this Act;
- 7 the tribunal may give a direction-
- 8 (i) reprimanding that person;
- 9 (ii) ordering the Registrar to suspend him from practice;
- 10 (iii) ordering the Registrar to strike out his name off the appropriate
- 11 register;
- 12 (iv) ordering the person to pay a fine as may be specified in the
- 13 direction; or
- 14 (v) ordering the Registrar to remove from the register of premises,
- 15 any premises entered in the register of premises, at which the pharmacy
- 16 practice in question is carried out by a registered person, where applicable.
- 17 (2) The tribunal may defer its decision under subsection (1) of this
- 18 section provided, that-
- 19 (a) no decision shall be deferred for more than an aggregate period
- 20 of three months; and
- 21 (b) a member of the tribunal shall not sit for the purpose of
- 22 reaching a decision which has been deferred unless he was present when the
- 23 decision to defer was taken.
- 24 (4) Where the tribunal gives a direction under subsection (1) of this
- 25 section, the tribunal shall cause a notice of the direction to be served on the
- 26 person to whom it relates.
- 27 (5) A person to whom a direction under subsection (1) of this
- 28 section relates may, at any time within thirty days from the date of service on
- 29 him of the notice of direction, appeal against the direction to the Court of
- 30 Appeal and the tribunal may appear as respondent to the appeal and, for the

1 purpose of enabling directions to be given by the Court of Appeal as to the costs
2 of the appeal and of proceedings before the tribunal, the tribunal shall be
3 considered to be a party to the appeal, whether or not it appears on the hearing
4 of the appeal.

5 (6) A direction of the tribunal under subsection (1) of this section shall
6 take effect-

7 (a) where no appeal under subsection (5) of this section is brought
8 against the direction within the time limit for such an appeal, on the expiration
9 of that time;

10 (b) where an appeal under subsection (5) of this section is brought
11 against the direction, but it is withdrawn or struck out for want of prosecution,
12 from the date of the withdrawal or striking out of the appeal; or

13 (c) where such an appeal is brought and is not withdrawn or struck out
14 as aforesaid, if and when the appeal is dismissed.

15 (7) A person whose name is struck out of any register kept under this
16 Act or suspended from practice in pursuance of a direction of the tribunal shall
17 not be entitled to be re-registered in that register or reinstated to practice,
18 except in pursuance of a direction given by the Tribunal or the Appellate Court.

19 (8) A Pharmacist who in respect of any year practices the profession
20 without paying his annual practicing fee commits a misconduct and shall be
21 liable-

22 (a) in the case of a first offender, to a fine of twice the prescribed
23 practicing fee;

24 (b) in the case of a second or subsequent offender, to a fine of not less
25 than ten times the prescribed practicing fees, and if the Pharmacist is in the
26 employment of any person, the employer shall be guilty of an offence
27 punishable in the like manner as the Pharmacist where it is proved that the
28 Pharmacist's failure to pay the prescribed fees was with the knowledge,
29 consent or connivance of the employer.

1 of not less than N500,000.00 or to a term of imprisonment not exceeding one
2 year or to both; or

3 (b) conviction in the case of subsection (2) of this section, to a fine of
4 not less than N1,000,000.00 or to a term of imprisonment not exceeding two
5 years, or to both.

6 (4) A body corporate that violates the provisions of this section
7 commits an offence and is liable on-

8 (a) conviction in the case of subsection (1) of this section, to a fine of
9 not less than N2,000,000.00 and the directors or principal officers of the body
10 corporate shall be liable to a fine of not less than N250,000.00 or to a term of
11 imprisonment not exceeding two years or to both; or

12 (b) conviction in the case of subsection (2) of this section, to a fine of
13 not less than N5,000,000.00 and the directors or principal officers of the body
14 corporate shall be liable to a fine of not less than N500,000.00 or to a term of
15 imprisonment not exceeding three years or to both.

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

23 (6) In relation to a body corporate carrying on pharmacy business,
24 subsection (4) of this section shall have effect as to a person who not being an
25 officer of the body corporate at the time of the commission of the offence-

26 (a) is the superintendent pharmacist; or

27 (b) at any premises where the business is carried on, is the pharmacist
28 who acts under the directions of the superintendent pharmacist;
29 as if he were such an officer of the body corporate as is mentioned in preceding
30 subsection.

1 **53.** Any person who-

2 (a) obstructs, resists, or attempts to obstruct or resist a
3 Pharmaceutical Inspection Officer in the execution of his duty under this
4 Act;

Obstruction of a
Pharmaceutical
Inspection Officer
and breaking of
seal

5 (b) makes any statement to a Pharmaceutical Inspection Officer in
6 the course of his duties which that person knows or has reasonable cause to
7 believe to be false or misleading;

8 (c) without the authority of the Pharmaceutical Inspection Officer
9 removes, alters or interferes in anyway with any article seized under this
10 Act, or

11 (d) breaks the Council's seal or lock.
12 commits an offence and is liable on conviction to a fine of N2,000,000.00 or
13 to a term of two years imprisonment or to both.

14 **54.-(1)** Any person or body corporate that owns, operates,
15 maintains, establishes or has charge of either alone or with another person or
16 persons, a pharmacy which is not registered under the provisions of this
17 Act, commits an offence and is liable on conviction to a fine of
18 N2,500,000.00 or two years imprisonment or both.

Operating a
pharmacy without
registration

19 (2) Any person or body corporate that owns, operates, maintains,
20 establishes or has charge of, either alone or with another person or persons, a
21 pharmacy in which a person not licensed as a pharmacist or not registered as
22 an intern pharmacist or in which an intern pharmacist who is not acting
23 under the direct and immediate personal supervision of a licensed
24 pharmacist fills, compounds, or dispenses any prescription or dispenses
25 medicines, drugs or poison commits an offence and is liable on conviction
26 to a fine of N2,500,000.00 or two years imprisonment or both.

27 (3) Any person or body corporate that owns, operates, maintains,
28 establishes or has charge of either alone or with another person or persons a
29 Satellite Medicine Facilities outlet or Patent and Patent Medicines Vendors
30 Shop which is not registered under the provisions of this Act commits an

1 offence and is liable on conviction to a fine of N500,000.00 or to a term of
2 imprisonment not less than 6 months or both.

3 (4) Any person who knowingly and with intent to defraud -

4 (a) makes a false or fraudulent claim, either for himself or another
5 person, in any application, affidavit or statement presented to the Council or
6 any proceeding before the Council; or

7 (b) fills, compounds or dispenses prescriptions or medicines without
8 holding a valid licence as a pharmacist or not registered as an intern Pharmacist
9 or is an intern not acting under the direct and immediate personal supervision of
10 a licensed pharmacist;

11 commits an offence and is liable on conviction to a fine of N250,000.00 or one
12 year imprisonment or both.

General penalty

13 55.-(1) Any person who commits an offence under this Act for which
14 no specific penalty is provided is liable on conviction to a fine of not less than
15 N500,000.00 or to a term of two years imprisonment or both.

16 (2) A body corporate that commits an offence under this Act for which
17 no specific penalty is provided is liable on conviction to a fine of not less than
18 N2,000,000.00.

Arrest, investigation
and prosecution
of criminal cases

19 56. Subject to the provisions of the Constitution of the Federal
20 Republic of Nigeria, 1999 (as amended) and the Administration of Criminal
21 Justice Act, a Police officer or other relevant law enforcement agencies shall
22 have power under this Act to-

23 (a) arrest and investigate offenders; or

24 (b) prosecute cases.

Seizure

25 57.-(1) Any medicines, drugs, poisons or other articles sold, offered
26 for sale, stocked or dispensed in violation of any provisions of this Act may be
27 seized by the Council.

28 (2) Whenever Medicines, drugs, poisons or other articles are seized
29 under any of the provisions of this Act, the Council may -

30 (a) place the Medicines, drugs, poisons or other articles under seal; or

1 (b) remove the Medicines, drugs, poisons or other articles to a
2 place designated by the Council

3 **57.-(1)** Medicines, drugs, poisons or other articles seized under this
4 Act shall be forfeited to the Federal Government of Nigeria and shall be free
5 of any encumbrances.

Forfeiture of drugs,
Medicines, poisons
etc.

6 (2) Any drug, medicine, poison or other articles seized by the
7 Council in accordance with the provisions of this Act shall be forfeited to the
8 Federal Government and shall be dealt with in such manner as the Minister
9 may, from time to time determine.

10 **PART XI - ETHICAL AND DANGEROUS DRUGS**

11 **59.-(1)** No ethical drugs shall be supplied, sold, offered to be sold
12 or dispensed by any person unless under the direct supervision of a licensed
13 pharmacist.

Supply of ethical
or dangerous drugs

14 (2) No person shall supply, sell or dispense dangerous drugs
15 unless-

16 (a) he is a licensed pharmacist;

17 (b) the drug is in a container of the prescribed description; and

18 (c) the container bears a label indicating the prescribed particulars
19 of its contents.

20 (3) Where a drug is supplied on prescription, the supplier of the
21 drug shall-

22 (a) enter on the prescription in indelible writing, the-

23 (i) date on which the drug is supplied, and

24 (ii) name and address of the supplier; and

25 (b) if the drug is fully dispensed, make entry in a manner as to be
26 readily available for inspection.

27 **60.-(1)** A person who supplies dangerous drugs shall keep on the
28 premises from where he supplied the drugs, a book of the prescribed
29 description to be known as the "Dangerous Drugs Record"

Dangerous drugs
record

30 (2) Before a person supplies dangerous drugs, he shall record in the

1 for the retention of the name of registered Pharmacists, Pharmacy Technicians
2 and Medicine Vendors in the register or conditions for renewal of the practicing
3 license of a registered pharmacist, Pharmacy Technicians and Medicine
4 Vendors; or

5 (l) supervision and regulation of Pharmacy Technicians and
6 restriction of the work of any Pharmacy Technician in default where such
7 defaults continue longer than that prescribed by the rules.

8 (3) The power to make regulations, rules and guidelines under
9 subsections (1) and (2) of this section shall not be exercised in the absence of
10 the Council

11 (4) Any Regulation, rule or guideline made under this Act shall be
12 published in the Gazette.

Pre-action notice

13 **65.-(1)** No suit shall be commenced against the Council before the
14 expiration of a period of one -month after a written notice of intention to
15 commence the suit had been served on the Council by the intending plaintiff or
16 his agent and the notice shall clearly state-

17 (a) the cause of action;

18 (b) the particulars of the claim;

19 (c) the name and place of abode of the intending plaintiff; and

20 (d) the relief which he claims.

21 (2) The notice referred to in subsection (1) of this section and any
22 summons, notice or other document required or authorized to be served on the
23 Council under this Act or any other law, may be served by-

24 (a) delivering it to the Registrar; or

25 (b) sending it by registered post addressed to the Registrar at the Head
26 Office of the Council.

Restriction on
execution against
property of the
Council

27 **66.** In any action or suit against the Council, no execution shall be
28 levied or attachment process issued against the Council unless not less than 30
29 days' notice of the intention to execute or attach has been given to the Council.

1 **67.** A member of the Council, Registrar, officer or employee of the
2 Council shall be indemnified out of the assets of the Council against any
3 proceedings brought against him in his capacity as a member of the Council,
4 Registrar, officer or employee of the Council where the act complained of is
5 not ultra vires his powers.

Indemnity of
officers of the
Council

6 **68.**-(1) The Pharmacists Council of Nigeria Act, Cap P17, Laws of
7 the Federation of Nigeria, 2004, (in this Act referred to as "the repealed
8 Act") is repealed.

Repeal and
Savings

9 (2) Notwithstanding the provisions of subsection (1) of this
10 section-

11 (a) any person who is registered and all regulations and
12 amendments made under the repealed Act shall be deemed to have been
13 made under this Act;

14 (b) any register kept in pursuance of the repealed Act shall be
15 deemed to be part of the register kept under this Act;

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

18 (d) any direction, orders and appointments lawfully given, made or
19 other acts done under the repealed Act and in force immediately before the
20 commencement of this Act, shall be deemed to have been given, made or
21 done under this Act and shall have effect accordingly;

22 (e) any person who immediately before the commencement of this
23 Act held appointment as an employee of the Council shall on the
24 commencement of this Act be deemed to have been deployed to the Council
25 as an employee without further assurance; and

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

29 **69.**-(1) The Poisons and Pharmacy Act, Cap 535, Laws of the
30 Federation of Nigeria, 1990 shall be read with such modifications as are

Adaptation of the
Poisons and
Pharmacy Act

1 necessary to bring it into conformity with the provisions of this Act.

2 (2) Where the provisions of the Poisons and Pharmacy Act are
3 inconsistent with the provisions of this Act, the provisions of this Act shall
4 prevail and the provisions of the Poisons and Pharmacy Act shall to the extent
5 of the inconsistency be void in relation to matters provided for under this Act.

Interpretation

6 70. In this Act-

7 "Approved" means approved by the Council;

8 "Article" includes-

9 (a) any drug, poison, medicine or medical consumables;

10 (b) anything used for the manufacture, preparation, preservation,
11 packaging or storing of any drug poison or medical device;

12 (c) any labeling or advertising material relating to or for use in
13 connection with any drug, poison or medical device;

14 (d) records and books required to be kept under this Act; or

15 (e) electronic records, receipts, invoices and other relevant
16 documents.

17 "Associate Member" mean students in accredited Faculties or Schools of
18 Pharmacy;

19 "CDTM" Collaborative Drug Therapy Monitoring, this is a team approach to
20 healthcare delivery, that seeks to maximize the expertise of the pharmacist and
21 the physician in order to achieve optimal patient care outcomes through
22 appropriate medication use and enhanced patient care services;

23 "Chain Retail Pharmacy" means a number of registered pharmaceutical
24 premises as specified by regulation bearing same name engaged in retail
25 pharmaceutical practice and owned by body corporate or pharmacist;

26 "Community Pharmacy" is a health care facility that provides pharmaceutical
27 services to people in a local area or community;

28 "Council" means the Pharmacy Council of Nigeria established under section 1
29 of this Act;

30 "Court" means the Federal High Court;

1 "Dangerous Drugs" means any drug to which the provisions of Dangerous
2 Drugs Act apply;

3 "Disciplinary Tribunal" means the Pharmacy Council of Nigeria
4 Disciplinary Tribunal established under this Act;

5 "Dispensing" means to prepare, to count out, measure or decant from a bulk
6 supply, or mix, or dissolve, or disperse, and dispose the drug, for gain or
7 otherwise for the treatment of a particular person or animal but does not
8 include the actual administration of the drug;

9 "Doctor's Emergency Medicine Kit" means drug for patients' immediate
10 use; for a period not exceeding 24 hours, and contained in a standard leather
11 briefcase;

12 "Drugs or medicines" include any substance of vegetable, animal or mineral
13 origin or any preparation or mixture, which is used for internal or external
14 application in-

15 (a) the diagnosis, treatment, mitigation or prevention of any
16 disease disorder, abnormal physical state, or the symptoms thereof, in man
17 or in animals;

18 (b) restoring, correcting or modifying organic functions in man or
19 in animals;

20 (c) disinfection, or the control of vermin, insects or pests, or

21 (d) contraception.

22 "DUR" means Drug Utilization Review Process of a comprehensive review
23 of medication profile by a pharmacist;

24 "Ethical Drugs" means drugs or medicines dispensed under the direct
25 supervision of a licenced Pharmacist;

26 "Emergency Drugs" are medications for immediate use within a period of 24
27 hours as specified by the prescriber;

28 "Emergency Tray" means a standard array of listed emergency and
29 lifesaving drugs specifically laid out and replenished only in hospital;

30 "Fees" include annual subscription, practicing fee, registration fees,

1 renewal fees, inspection fees;

2 "Forensic Pharmacy" means study of pharmacy and drug laws as well as the
3 application of pharmaceutical sciences and practice to legal matters;

4 "Hospital Pharmacy" is the department, section or unit of the hospital or clinic
5 that manage the procurement, storage, preservation, packaging, sterilization,
6 compounding, preparation, dispensing or distribution of medicine in the
7 hospital or clinics;

8 "Insanitary Conditions" mean such condition or circumstances that might
9 contaminate any food, drug or cosmetic with dirt or filth or render it injurious to
10 health;

11 "Investigating Panel" means the Pharmacy Council of Nigeria Investigating
12 Panel established under this Act;

13 "Label" in relation to any food, drug, cosmetic, medical device or package
14 which includes any legend, word or mark attached to, included in, belonging to
15 or accompanying that food, drug, cosmetic, medical device or package;

16 "PPMV" refers to a person whose patent medicines shop has been licenced to
17 stock and sell Class C drugs;

18 "Members" mean persons with full registration status with Pharmacy Council
19 of Nigeria (PCN);

20 "Minister" means the Federal Minister charged with the responsibility for
21 matters relating to Health;

22 "OTC" means Over the Counter medicines which may be sold without
23 prescription and include but not limited to non-prescription medicine and
24 invitro diagnostic;

25 "Package" includes anything in which any food, drug, cosmetic or device is
26 wholly or partly contained, wrapped, placed or packed;

27 "Pharmacist" refers to any person who is registered and licensed to engage in
28 pharmacy in Nigeria and whose name is in the register kept for such purpose by
29 Pharmacy Council of Nigeria;

30 "Pharmacy Technician", means a person who has undergone a course of

1 training for Pharmacy Technicians in a School of Health Technology or any
2 other institution approved by the Council, is duly registered and issued with
3 an annual permit by the Council as a Pharmacy Technician Pharmacist;

4 "Pharmaceutical activities" include dispensing, selling, distribution,
5 storage, stocking, wholesaling or manufacturing of drugs and poisons;

6 "Pharmaceutical Inspection Officer" also known as "Pharmaceutical
7 Inspector" or "Inspector" refers to a registered pharmacist appointed or
8 engaged by the Pharmacy Council of Nigeria to carry out inspection on
9 premises where pharmaceutical activities, operations and businesses are
10 carried out;

11 "Pharmaceutical Care" is the responsible provision of drug therapy for the
12 purpose of achieving definite outcomes that improve and sustain a patient's
13 quality of life;

14 "Pharmaceutical Marketing and Representation" means any activity
15 undertaken or organized or sponsored by a company, distributor, or an
16 importer that is promoting the prescription, recommendation, supply, sale or
17 distribution of a pharmaceutical product;

18 "Pharmacy" or any other cognate expression when used in connection with
19 a business carried on any premises shall be deemed to be reasonably
20 calculated to suggest that the owner of the business and the person having
21 the control of the business on those premises are registered or ought to be
22 registered under this Act;

23 "Pharmacy Practice" include giving of patient-centred care, provision of
24 drug information, monitoring of drug therapy, discovery and evaluation of
25 drugs, clinical interventions and provision of technical aspects of
26 pharmaceutical services or business such as importation, exportation,
27 mixing, compounding, preparing, dispensing, selling and distribution of
28 drugs and poisons;

29 "Poison" includes substances whether natural or synthetic, mixed with other
30 ingredients or not, and whatever restrictions under the provisions of this Act

- 1 are placed on any particular poison shall apply to it whether it is unmixed or is
2 contained as an ingredient in some preparation, unless it is contained in one of
3 the preparations specifically exempted from such provisions;
- 4 "POM" Prescription only Medicines, these are medicines which can only be
5 obtained by the general public if they are in possession of a valid prescription;
- 6 "Practicing fee" means payment made by registered members of the profession
7 to Council;
- 8 "Premises" refers to a place approved and registered by the Council for any of
9 the following purposes of dispensing, selling, distribution, storage, stocking,
10 retailing, wholesale, manufacturing, importation, exportation of drugs and
11 poisons, herbal and dietary supplements, scientific offices or any other form of
12 pharmaceutical activities;
- 13 "Prescribed" means prescribed by the regulations;
- 14 "President" means President and Commander-in-Chief of the Federal Republic
15 of Nigeria;
- 16 "Profession" means Pharmacy Profession;
- 17 "Provisional Members" persons with provisional registration status with
18 Pharmacists Council of Nigeria (PCN) and this include non-Nigerians and
19 Nigerian citizens undergoing internship programmes;
- 20 "Register" means any register maintained or required to be maintained in
21 accordance with the provisions of this Act;
- 22 "Registrar" means the Registrar appointed under the provisions of this Act;
- 23 "Regulation" means rules and regulations made under this Act;
- 24 "Restricted Drugs" these are controlled and psychotropic substances as well as
25 any drug to which the provisions of Dangerous Drugs Act apply;
- 26 "Retention Fees" are annual fees paid for the retention of names of persons or
27 premises in their respective registers;
- 28 "Satellite Medicine Facility" is a retail medicine facility established through an
29 arrangement with a registered community pharmacy of not less than 5 years
30 of existence in Nigeria, for the sole purpose of improving access to quality,

1 safe, efficacious and affordable Pharmaceutical products and services in
2 underserved communities and other areas the Council deems necessary;

3 "Selling" includes offering for sale, hawking for sale and displaying for
4 purpose of sale and in possession for sales or distribution;

5 "Society" means the Pharmaceutical Society of Nigeria;

6 "Superintendent Pharmacist" means a registered and licenced pharmacist
7 who applied for and through whom the registration of the pharmaceutical
8 premises was procured and he exercises direct personal control and
9 management of pharmaceutical activities carried on in the premises.

10 **71.** This Bill may be cited as the Pharmacy Council of Nigeria Short Title
11 (Establishment, Etc.) Bill, 2016.

12 **FIRST SCHEDULE**

13 *[Section 3 (5)]*

14 **SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**

15 *Proceedings of the Council*

16 **1.-(1)** Subject to the provisions of this Act, the Council may make
17 standing orders regulating its proceedings or any of its committees thereof.

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

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

24 **(4)** The quorum of the Council shall be one-third of the members of
25 the Council and the quorum of a committee of the Council shall be fixed by
26 the Council.

27 **(5)** The Council may invite any person to attend and participate at
28 any of its meetings provided that a person so co-opted shall only be in
29 attendance and shall not count towards the quorum or vote at the meeting.

1 *Meetings of the Council*

2 2.-(1) Subject to the provisions of any standing orders of the Council,
3 the Council shall meet whenever it is summoned by the chairman, and if the
4 chairman is requested to do so, by notice in writing given to him by not less than
5 five other members, he shall summon a meeting of the Council to be held
6 within fourteen days from the date on which the notice is given.

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

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

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

18 *Committees*

19 3.-(1) The Council may appoint one or more committees to carry out
20 on behalf of the Council such functions as the Council may determine.

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

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

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

29 *Miscellaneous*

30 4.-(1) The fixing of the seal of the Council shall be authenticated by

1 the signature of the chairman, the Registrar or any other members of the
2 Council authorized generally or specially by the council to act for that
3 purpose.

4 (2) Any contract or instrument which, if made or executed by a
5 person not being a body corporate, would not be required to be sealed, may
6 be made or executed on behalf of the Council, by any person generally or
7 specially authorized by the Act, for that purpose by the Council.

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

11 (4) The validity of any proceedings of the Council or of a
12 committee of the Council shall not be adversely affected by any vacancy in
13 membership of the Council or by any defect in the appointment of a member
14 of the Council or of a person to serve on the committee, or by reason that a
15 person not entitled to do so took part in the proceedings.

16 (5) Any member of the Council and any person holding office on a
17 committee of the Council, who has a personal interest in any contract or
18 arrangement entered into or proposed to be considered by the Council or a
19 committee thereof shall disclose his interest, and shall not vote on any
20 question relating to the contract or arrangement.

21 (6) A person shall not by reason only of his membership of the
22 Council be treated as holding an office in the public service of the
23 Federation.

24 SECOND SCHEDULE

25 [Section 46 (3)]

26 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

27 TRIBUNAL AND INVESTIGATING PANEL

28 *The Disciplinary Tribunal*

29 1. The quorum of the Disciplinary Tribunal shall be five members.

30 2. The Attorney General of the Federation shall-

1 (a) appoint an assessor to the Tribunal for the purpose of any
2 proceeding before the Disciplinary Tribunal; and

3 (b) make rules as to the selection of members of the Disciplinary
4 Tribunal for the purpose of any proceeding, the procedure to be followed and
5 the rules of evidence to be observed in proceedings before the Disciplinary
6 Tribunal.

7 3. The Rules made pursuant to paragraph 3 of this Schedule shall in
8 particular provide-

9 (a) for securing that notice of the proceedings shall be given in such
10 time and manner, as may be specified by the rules to the person who is the
11 subject of the proceedings;

12 (b) for determining who, in addition to the person aforesaid, shall be a
13 party to the proceedings;

14 (c) for securing that any party to the proceedings shall, if he so
15 requires, be entitled to be heard by the Disciplinary Tribunal;

16 (d) for securing that any part to the proceedings may be represented
17 by a legal practitioner;

18 (e) for determining the costs of proceedings before the Disciplinary
19 Tribunal;

20 (f) for requiring, in a case where it is alleged that the person who is the
21 subject of the proceedings is guilty of infamous conduct in any professional
22 respect, that where the Disciplinary Tribunal adjudges that the allegation has
23 not been proved it shall record a finding that the person is not guilty of such
24 conduct in respect of the matters to which the allegation relates; and

25 (g) for publishing in the Gazette notice of any direction of the
26 Disciplinary Tribunal which has taken effect providing that a person's name
27 shall be struck off a register.

28 4. For the purpose of any proceedings before the Disciplinary
29 Tribunal, any member of the Disciplinary Tribunal may administer oath and
30 any party to the proceedings may issue out of the registry of the Federal High

1 Court writs of supoena ad testificandum and duces tecum but no person
2 appearing before the Disciplinary Tribunal shall be compelled to -

3 (a) make any statement before the Disciplinary Tribunal tending to
4 incriminate himself; or

5 (b) produce any document under such a writ which he could not be
6 compelled to produce at the trial of an action.

7 5. For the purpose of advising the Disciplinary Tribunal on
8 questions of law arising in proceedings before it, there shall in all such
9 proceedings be an assessor to the Disciplinary Tribunal who shall be
10 appointed by the Council on the nomination of the Attorney-General of the
11 Federation and shall be a legal practitioner of not less than ten years
12 standing.

13 6. The Attorney-General of the Federation shall make rules as to
14 the functions of assessors appointed under this paragraph and in particular
15 such rules shall contain provisions for securing that-

16 (a) where an assessor advises the disciplinary tribunal on any
17 question of law as to evidence, procedure or any other matters specified by
18 rules, he shall do so in the presence of every party or person representing a
19 party to the proceedings who appear thereat or, if the advice is tendered
20 while the Disciplinary Tribunal is deliberating in private, that every such
21 party or person as aforesaid shall be informed what advise the assessor has
22 tendered; and

23 (b) every such party or person as aforesaid shall be informed if in
24 any case the Disciplinary Tribunal does not accept the advice of the assessor
25 on such a question as aforesaid.

26 *Investigating Panel*

27 7. The quorum of the Investigating Panel shall be three all of
28 whom shall be pharmacists.

29 8. The Investigating Panel may, at any of its meeting attended by
30 all the members of the Investigating Panel, make standing orders with

1 respect to the Investigating Panel.

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

4 *Miscellaneous*

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

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

12 **12.** The Disciplinary Tribunal or the Investigating Panel may act
13 notwithstanding any vacancy in its membership, and the proceedings of either
14 body shall not be invalidated by any irregularity in the appointment of member
15 of that body by reason of the fact that any person who was not entitled to do so
16 took part in the proceedings of that body.

17 **13.** Any document authorized or required by virtue of this Act to be
18 served on the Disciplinary Tribunal or the Investigating Panel shall be served
19 on the Registrar.

20. 14. Any expenses of the Disciplinary Tribunal or Investigating Panel
21. shall be defrayed by the Council.

22 **15. A person shall not by reason of his appointment as an assessor to**
23 **the Disciplinary Tribunal, be treated as holding an office in the Public Service**
24 **of the Federation.**

EXPLANATORY NOTE

(This note does not form part of the above Act but is intended to explain its purport)

The Act establishes the Pharmacy Council of Nigeria charged with the duty, amongst others, of regulating and controlling the education, training and practice of Pharmacy and allied matters in Nigeria.