

The following Bill, which will in due course be presented to Parliament for enactment, is published for general information.

PHARMACISTS BILL

EXPLANATORY MEMORANDUM

The existing Pharmacy Act (Cap. 152) relates to both pharmacists and pharmaceutical practice. However, as Federal Government legislative competence is at present limited to pharmacists, it is necessary to separate matters relating to pharmacists from the existing omnibus Act and make them the subject of separate legislation. This is sought to be achieved by this Bill.

The provisions of the Bill are designed to rationalise the basis of the education, qualification, registration and the discipline of pharmacists.

M. A. MAJEKODUNMI,
Federal Minister of Health

ARRANGEMENT OF CLAUSES

Clause

The Pharmacists Board of Nigeria

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The Register

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A BILL

FOR

AN ACT TO MAKE BETTER PROVISION FOR THE REGULATION OF PHARMACEUTICAL CHEMISTS AND FOR PURPOSES CONNECTED THEREWITH: AND TO AMEND CONSEQUENTIALLY THE PHARMACY ACT.

[Section 19(2)]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

The Pharmacists Board of Nigeria

5 1.—(1) There shall be established a body to be known as the Pharmacists Board of Nigeria (in this Act referred to as "the board") which under that name shall be a body corporate with perpetual succession and a common seal and be charged with the general duty of—

Establish-
ment of
Pharmacists
Board.

10 (a) determining what standards of knowledge and skill are to be attained by persons seeking to become pharmaceutical chemists (in this Act referred to as "pharmacists") and raising those standards from time to time as circumstances may permit ;

(b) securing in accordance with the provisions of this Act the establishment and maintenance of—

15 (i) a register of pharmacists, and

(ii) a register to be known as "the provisional register" of such other persons as the board may recognise for the purposes of this Act,

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

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

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

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

(b) the following persons, namely,—

30 (i) the president of the Pharmaceutical Society of Nigeria,

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

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

35 (iv) one member nominated by the council of the pharmaceutical society of Nigeria,

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

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

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

Financial provisions.

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

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

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

Control of board by the Minister.

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

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

The Register

Appointment of registrar and preparation etc. of registers.

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

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

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

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

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

5 (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

(b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;

10 (c) specifying the fees to be paid to the board in respect of the entry of names on the registers and authorising the registrar to refuse to enter a name on a register until any fee specified for the entry has been paid;

(d) specifying anything falling to be specified under the foregoing provisions of this section;

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

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

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

(b) to make from time to time any necessary alterations in the registered particulars of registered persons; and

25 (c) to remove from the relevant register the name of any registered person who has died, or unless exempted fails after the expiration of one year to pay a retention fee under this Act.

(6) If the registrar—

30 (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

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

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

40 (a) to cause the registers to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this section comes into force; and

45 (b) in each year after that in which a register is first published under paragraph (a) of this subsection to cause to be printed, published and put on sale as aforesaid a corrected edition of the registers or as the board thinks fit a list of corrections made to the registers since they were last printed; and

Publication
of registers
and lists of
corrections.

(c) to cause a print of each edition of the registers and of the list of corrections to be deposited at the principal office or offices, as the case may be, of the board ;

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

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year shall, as an alternative to any other mode of proof in any proceeding be admissible as evidence that any person specified in the document or in the documents if read together, as being registered under this Act—

(a) is so registered, or

(b) is so registered subject to payment of the annual retention fee ; and that if not specified in the registers he is not so registered.

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

Registration

Examination
qualifica-
tions.

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

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

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

Registration
of members.

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

(a) that he is of good character, and is the holder of—

(i) a diploma under this Act, or

(ii) a qualification granted outside Nigeria and for the time being accepted by the board for the purpose of this subsection ; and

(b) if the board so requires, that he has had sufficient practical experience as a pharmacist.

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

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

8.—(1) The board may approve—

5 (a) any course of training which is intended for persons who are seeking to become, or are already, pharmacists and which the board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession ;

Approval of
courses,
qualifica-
tions and
institutions.

10 (b) any institutions, either in Nigeria or elsewhere, which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board under this section ;

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

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

(a) give notice that it proposes to do so to each person in Nigeria appearing to the board to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be ; and

25 (b) afford each such person an opportunity of making to the board representations with regard to the proposal ; and

(c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

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

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

40 (a) as soon as may be publish a copy of every such instrument in the gazette ; and

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

45 9.—(1) It shall be the duty of the board to keep itself informed of the nature of the instruction given at approved institutions to and examinations taken by persons attending approved courses of training and for the purposes of performing that duty the board may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

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

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

- (a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him;
- (b) the sufficiency of any examinations attended by him; and
- (c) any other matters relating to the institutions or examinations on which the board may, either generally or in a particular case, request him to report; but no visitor shall interfere with the giving of any instruction or the holding of any examination.

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

Professional Discipline

Establish-
ment of
disciplinary
committee
and investi-
gating panel.

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

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

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

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

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

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

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

Miscellaneous and General

11.—(1) Where—

Penalties for unprofessional conduct, etc.

(a) a registered person is judged by the disciplinary committee to be guilty of infamous conduct in any professional respect; or

5 (b) a registered person is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the disciplinary committee is incompatible with the status of a pharmacist; or

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

the disciplinary committee may, if it think fit, give a direction reprimanding that person or ordering the registrar to strike his name off the relevant register or registers.

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

(a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and

20 (b) no person shall be a member of the disciplinary committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the disciplinary committee when the decision was deferred.

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

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

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

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

(a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;

45 (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal.

(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed ;
and shall not take effect except in accordance with the foregoing provisions of this subsection.

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

Offences.

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

(a) for or in expectation of reward practises or holds himself out as a pharmacist ; or

(b) takes or uses any letters after his name to indicate qualification as a pharmaceutical chemist ; or

(c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a pharmacist,

shall be guilty of an offence.

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

(a) makes a statement which he believes to be false in a material particular ; or

(b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence.

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

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

(a) on summary conviction, to a fine not exceeding fifty pounds ;

(b) on conviction on indictment, to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or to both.

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

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

Employment in the public service or the armed forces.

(a) he is the holder of an annual licence to practise as a pharmacist ;

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

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

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

Miscellaneous supplementary provisions.

(2) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provisions of an enactment, no person other than a fully registered pharmacist shall be entitled to bring any proceedings in any court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services rendered or facilities or things supplied by him when purporting to act as a pharmaceutical chemist.

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

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

Regulations, rules and orders.

(a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument ; and

(b) to prescribe membership fees in such amount as the Minister may from time to time approve ; and

(c) to make different provision for different circumstances.

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

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

Transitional provisions and repeals.
Cap. 152

(2) Any proceedings under the Pharmacy Act which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending before the Pharmacy Board established by that Act or before the Minister or in any court on appeal may be continued, and any right of appeal under that Act which was exercisable immediately before that date may be exercised, as if this Act had not been passed; and for the purposes of the foregoing provisions of this section and of enabling effect to be given to any order made or judgment given in connection with any such proceedings or appeal, but not for any other purposes, the register maintained under that Act shall be deemed not to be abolished. 5

(3) The provisions of the Pharmacy Act shall—

(a) be repealed on such date as the Minister may by order appoint to the extent set out in Part A of the Third Schedule to this Act, and different dates may be appointed in relation to different provisions thereof, and 15

(b) to the extent to which that Act, as affected by this Act, thereafter continues in force in its application to the Federation or to the Federal territory, as the case may be, it shall have effect subject to the amendments set out in Part B of that Schedule, and to the provisions of the next succeeding section; 20

and subject to the provisions of subsection (2) of this section, the register maintained under the said Pharmacy Act shall be abolished.

17. So much of the Pharmacy Act as is not repealed by this Act may, on the commencement of this Act, be cited as the Poisons and Pharmacy Act, and accordingly— 25

(a) in the long title, all words after "poisons" up to the end of the long title in its application to the Federation shall be repealed; and

(b) in section one thereof there shall be substituted for all words after "cited" up to the end of the section, the words "as the Poisons and Pharmacy Act."; 30

and that Act shall have effect to the extent mentioned in section nineteen and set out in the Fourth Schedule to this Act.

Change of
title of
Pharmacy
Act.
Cap. 152.

Interpreta-
tion, etc.

18.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say— 35

"approved" means for the time being approved under this Act;

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

"the board" means the Pharmacists Board of Nigeria;

"the disciplinary committee" means the Pharmacists Disciplinary Committee under section ten of this Act; 40

"gazette" means the Gazette of the Federation;

"the Minister" means the Minister of the government of the Federation responsible for matters relating to health; 45

"the panel" has the meaning assigned to it by section ten of this Act;

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

"prescribed" means prescribed by regulations; 50

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

"the registrar" means the registrar appointed in pursuance of section four of this Act;

5 "regulations" means regulations made by the Minister:

(2) For the purposes of this Act—

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

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

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

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

20 19.—(1) This Act may be cited as the Pharmacists Act, 1964, and shall apply throughout the Federation, so however that the provisions of the Fourth Schedule shall, save as to subsection (1) of section forty-nine and subsection (1) of section sixty-nine of the Act there cited, have effect in the Federal territory.

Short title,
extent and
commence-
ment.

25 (2) The provisions of this Act shall come into force on such date as the Minister may by order appoint, and different dates may be appointed for the purposes of different provisions.

SCHEDULES

FIRST SCHEDULE

Section 1 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE PHARMACISTS BOARD

Qualifications and tenure of office of members

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

(2) Members other than those appointed by office shall hold office for a period of three years beginning with the date of his appointment as a member, but shall be eligible for reappointment at the expiration of that period.

(3) Any member other than a member appointed by office may at any time resign his appointment by notice in writing under his hand; and the resignation shall have effect upon signification by any means of its acceptance by the Minister.

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

Powers of the board

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

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

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

Proceedings of the board

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

4. Where at least one representative from each of the Regions is present, seven members including the chairman for the meeting shall be a quorum.

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

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

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

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

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

Committees

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

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the board, and not more than one-third of those persons may be persons who are not members of

the board ; and a person other than a member of the board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

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

Miscellaneous

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

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

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

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

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

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

SECOND SCHEDULE

Section 10 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND INVESTIGATING PANEL

The Tribunal

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

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

(2) The rules shall in particular provide—

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

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

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the disciplinary committee ;

(d) for enabling any party to the proceedings to be represented by a legal practitioner ;

(e) subject to the provisions of subsection (5) of section eleven of this Act, as to the costs of proceedings before the disciplinary committee ;

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

(g) for publishing in the gazette notice of any direction of the disciplinary committee which has taken effect providing that a person's name shall be struck off a register.

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

(a) to make any statement before the disciplinary committee tending to incriminate himself ; or

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

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

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

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

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

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

The panel

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

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

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

Miscellaneous

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

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

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

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

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

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

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

THIRD SCHEDULE

PART A—ENACTMENT REPEALED *Section 16 (3) (a)*

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
152	Pharmacy Act	Part II and Part III except sections 15, 19, 20, 22, 23, 25 and 26

Chapter	Short title
152	Pharmacy Act

PART B—ENACTMENT AMENDED

Sections 16 (3) (b) and 17

Extent of amendment

In section two, in the definition of—

- (a) "the Board" there shall be substituted for the words "the Pharmacy Board established under this Act" the words "the Pharmacists Board of Nigeria established under the Pharmacists Act, 1964 ; "
- (b) "chemist and druggist" there shall be substituted for the words defined and the interpretation thereof the following definition—
"chemist" means a person permitted to practise as a pharmaceutical chemist under the Pharmacists Act, 1964 and authorised under this Act to import, mix, compound, prepare, dispense and sell drugs and poisons, and includes any person who immediately before the commencement of the Pharmacists Act, 1964 was authorised under this Act to so deal in drugs and poisons as a chemist and druggist, which authority or licence, as the case may be, is still in force on the commencement of the Pharmacists Act, 1964, and references in this Act shall be so construed accordingly ; "
- (c) "dispenser" there shall be substituted for all words after "means" the words 'the holder of a certificate as such under any enactment repealed by this Act and duly recognised in the provisional register of the Pharmacists Board of Nigeria' ;
- (d) "Pharmaceutical Registrar" there shall be substituted for the words defined the word "registrar" and in the interpretation thereof for the words "section seven" there shall be substituted the words "the Pharmacists Act, 1964".

In section twenty, for the words in paragraph (b) there shall be substituted the words—

"a pharmacist licensed under the Pharmacists Act, 1964".

Chapter	Short title	Extent of amendment
		In section twenty-two in subsections (2), (4), (6) and (7) for the words "Pharmaceutical Registrar" there shall be substituted the word "registrar".
		In section twenty-three in subsection (1), for the words "Pharmaceutical Registrar" there shall be substituted the word "registrar".
		In section forty-nine in subsection (1) there shall be repealed the words "and druggist".
		In section sixty-nine in subsection (1) there shall be repealed—
		(a) paragraph (b)
		(b) the words "certificates, diploma," in paragraph (c)
		(c) the words "certificate, diploma," in paragraph (d).

FOURTH SCHEDULE

Sections 17 and 19 (1)

ENACTMENT AFFECTED

Chapter	Short title	Extent affected
152	Poisons and Pharmacy Act	Sections 1 and 2 of Part I ; Sections 15, 19, 20, 22, 23, 25 and 26 of Part III ; and Part IV to the end of the Act.
(823)		