



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 8th March, 2018

1. The Senate met at 10:52 a.m. The Deputy Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 7th March, 2018.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

(a) ***Ad hoc Committee:***

The Deputy Senate President named the following Senators as Members of *Ad hoc* Committee to investigate the circumstances that led to the destruction and violence against the Empowerment Program of Senator Ahmed Salau Ogembe (*Kogi Central Senatorial District*) and determine the involvement of the Nigeria Police:

(i)	Senator James E. Manager	—	Chairman
(ii)	Senator Jeremiah T. Useni	—	Member
(iii)	Senator Isah H. Misau	—	Member
(iv)	Senator Kabiru G. Marafa	—	Member
(v)	Senator Solomon O. Adeola	—	Member
(vi)	Senator Matthew A. Urhoghide	—	Member
(vii)	Senator Chukwuka G. Utazi	—	Member

(b) ***Conference Committee:***

The Deputy Senate President named the following Senators as Conferees on Demutualization Bill, 2018 (SB. 531):

(i)	Senator Mustapha Bukar	—	Chairman
(ii)	Senator Foster Ogola	—	Member
(iii)	Senator Mohammed S. Lafiagi	—	Member
(iv)	Senator Mao A. Ohuabunwa	—	Member
(v)	Senator Abu Ibrahim	—	Member
(vi)	Senator John O. Enoh	—	Member

(c) ***Acknowledgement:***

The Deputy Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Staff and Students of Vinecare School, Gaduwa, Abuja;
- (ii) Staff and Students of Joseph-Jorin International Schools, Kubwa, Abuja; and

(iii) Staff and Students of Apex Star Academy, Aso Pada, Nasarawa State.

4. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Suleiman A. Adokwe (*Nasarawa South*) drew the attention of the Senate to the demise of Alhaji Aliyu Akwe Doma, former Governor of Nasarawa State (2007 -2011) who passed on recently and the corpse is yet to arrive from abroad. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

5. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator David Umaru (*Niger East*) drew the attention of the Senate to the recent fire disaster that destroyed the Bida Central Market in Niger State. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes with sadness and grief, the tragic fire incident that razed down over 600 shops at the Bida Central Market on Thursday, 1st March, 2018;

recalls that this unfortunate incident has left the people of Bida and indeed the entire people of Niger State in anguish and agony as goods and property worth hundreds of millions of Naira were lost to the inferno;

aware that the Bida Central Market is a major centre for trade and commerce in Niger State considering its strategic location and volume of goods and commodities traded which include farm produce, building materials, poultry products, textiles etc; and services consumers both within and outside the State;

also aware that the destruction caused by this inferno has rendered thousands of traders and retailers jobless and without any means of livelihood;

observes that the palliative measures required to rebuild and resettle affected traders is beyond the capacity of Bida Local Government Council and indeed the Niger State Government; and

convinced that there is an urgent need to draw the attention of the Federal Government and its relevant relief agencies to this unfortunate fire incident that has consumed the populace and hit the nerve centre of not only the kin Nupe but the entire Nigerlites.

Accordingly resolves;

- (i) commiserate with the affected traders of the Bida Central Market, the Etsu Nupe, Alhaji Yahaya Abubakar CFR, Bida Local Government Council and indeed the Government and people of Niger State over this fire disaster;
- (ii) urge the Niger State Government to work with relevant Local Government Councils in the State to improve on sanitation, water supply and safety measures within and around markets, offices and other public facilities in the State to minimize loss of property to fire incidents;
- (iii) urge Niger State Government to equip and train the Niger State Fire Service for effective response to fire incidents and improved sensitization of the masses on fire safety;
- (iv) urge Mr. President, Commander-in-Chief of the Armed Forces of the Federation to offer special financial intervention to the Niger State Government to enable the State Government rebuild and re-establish the affected traders;
- (v) urge the National Emergency Management Agencies (NEMA); other relief agencies; and philanthropists to offer assistance to the affected traders.

*Debate:**Proposed Resolution (i):*

Question: That the Senate do commiserate with the affected traders of the Bida Central Market, the Etsu Nupe, Alhaji Yahaya Abubakar CFR, Bida Local Government Council and indeed the Government and people of Niger State over this fire disaster — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Niger State Government to work with relevant Local Governments Councils in the State to improve on sanitation, water supply and safety measures within and around markets, offices and other public facilities in the State to minimize loss of property to fire incidents — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge Niger State Government to equip and train the Niger State Fire Service for effective response to fire incidents and improved sensitization of the masses on fire safety — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge Mr. President, Commander-in-Chief of the Armed Forces of the Federation to offer special financial intervention to the Niger State Government to enable the State Government rebuild and re-establish the affected traders — *Agreed to.*

Proposed Resolution (v):

Question: That the Senate do urge the National Emergency Management Agencies (NEMA) ;other relief agencies; and philanthropists to offer assistance to the affected traders — *Agreed to.*

Resolved:

That the Senate:

- (i) commiserate with the affected traders of the Bida Central Market, the Etsu Nupe, Alhaji Yahaya Abubakar CFR, Bida Local Government Council and indeed the Government and people of Niger State over this fire disaster;
- (ii) urge the Niger State Government to work with relevant Local Governments Councils in the State to improve on sanitation, water supply and safety measures within and around markets, offices and other public facilities in the State to minimize loss of property to fire incidents;
- (iii) urge Niger State Government to equip and train the Niger State Fire Service for effective response to fire incidents and improved sensitization of the masses on fire safety;
- (iv) urge Mr. President, Commander-in-Chief of the Armed Forces of the Federation to offer special financial intervention to the Niger State Government to enable the State Government rebuild and re-establish the affected traders;
- (v) urge the National Emergency Management Agencies (NEMA);other relief agencies; and philanthropists to offer assistance to the affected traders (S/Res/200/03/18).

6. Personal Explanation:

Rising on Rule 43, Senator Dino Melaye (*Kogi West*) drew the attention of the Senate to the Resolution (S/Res/198/03/18) which constitute an *Ad hoc* Committee to investigate the circumstances that led to the destruction and violence against the Empowerment Program of Senator Ahmed Salau Ogembe (*Kogi Central Senatorial District*) and determine the involvement of the Nigeria Police. He stated that recently the Nigeria Customs impounded some military items, sown military camouflage, bullet proof vests, protective head gears, night vision goggles, tactical boots, training canvas, boxing gloves, body guard equipments, socks, and military belts. He emphasised that those military items were imported without the approval of the National Security Adviser and also lacks the end user certificate that should accompany imports by SEC Communications Nigeria. He further explained that Mr. Jerry Omodara, Senior adviser on Security to Kogi State Governor has contacted the Nigeria Customs

Service for the possible release of those goods, stocked at NAHCO warehouse in Nnamdi Azikiwe International Airport, Abuja. He urged the *Ad hoc* Committee to investigate the matter.

By the leave of the Senate, the Ad hoc Committee was mandated to investigate the matter.

7. Personal Explanation:

Rising on Rule 43, Senator Obinna J. Ogba (*Ebonyi Central*) drew the attention of the Senate to the agitation aimed at destabilising this Institution and its Leadership by few Senators. He alleged that Senator Abdullahi Adamu has incited Civil Liberty Organisations to demonstrate against the Leadership and also distributed financial benefits as mobilisation. He laid telephone documentary of their network conversations as evidence.

Matter accordingly referred to the Committee on Ethics, Privileges and Public Petitions to report within two (2) weeks.

8. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Biodun C. Olujimi (*Ekiti South*) drew the attention of the Senate to the 2018 International Women's Day. She sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that March 8, is the International Women's Day, a day that honors the achievements and calls attention to the rights of women;

further notes that the theme for this year's celebration is "Press for Progress Now" with a particular focus on Gender Parity;

observes that in 2015, world leaders adopted the Sustainable Development Goals, placing gender equality and empowerment of all women and girls at the heart of the 2030 Agenda for Sustainable Development. This year's International Women's Day focuses on Goal 5, which is centered on Gender Equality; "To achieve gender equality and empower all women and girls" by 2030.

further observes that achievement of the goals, including ending poverty, promoting inclusive and sustainable economic growth, reducing inequalities within and between countries, and achieving gender equality and empowerment of all women and girls, rests upon unlocking the full potential of women through the instrumentality of education;

recalls that the International Women's Day (IWD) was first officially recognized in 1911 and later recognized by the United Nations in 1975. In 1995, over 189 Countries including Nigeria converged in Beijing, China for the 4th World Conference on Women and signed an action plan called "Beijing Declaration".

aware that policies are needed to promote women's access to education, innovative technologies and practices, decent work and climate-resilient jobs and protect women from violence in schools and work places;

further aware that the "Violence Against Persons Prohibition Act", The "VAPP" Act, that was signed into law in 2015 is yet to be domesticated in any State of the Federation;

concerned that the implementation of policies that prohibits violence against women and girls and promote the Girl-Child education is still very poor. Practices such as violence against women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation, early child and forced marriage, female genital mutilation are still being practiced;

further concerned that the spate of Girl Child kidnappings in Nigeria has assumed an alarming dimension. On the 21st of February, 2018, the nation was shocked with the news of the kidnap of 110 school girls from Government Girls Science Technical College, Dapchi, Busari Local Government Area of Yobe State. This incidence is reminiscence of the 2014 Chibok Girls abduction in which 113 of the girls are still in captivity almost four years after;

worried that a pattern is gradually being established which clearly indicates that the objectives of the Boko Haram Insurgents is to deprive young girls of school age from pursuing education; and

further worried that if this ugly trend is not checked, the girl child education which is part of the objective of goal number 4 of the Sustainable Development Goals (SDGs) would have been lost in Nigeria even before the 2030 target year.

Accordingly resolves:

- (i) felicitate with Nigerian Women and Girls on this year's International Women's Day Celebration; and
- (ii) mandate the Committees on Police Affairs; and National Security and Intelligence to summon the Inspector General of Police and the Chief of Army Staff to brief the Senate on the actual situation of things regarding the Kidnap and in addition present clear operational strategies to rescue the remaining Chibok and Dapchi schoolgirls within two (2) weeks.

Debate:

Proposed Resolution (i):

Question: That the Senate do felicitate with Nigerian Women and Girls on this year's International Women's Day Celebration — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate the Committees on Police Affairs; and National Security and Intelligence to summon the Inspector General of Police and the Chief of Army Staff to brief the Senate on the actual situation of things regarding the Kidnap and in addition present clear operational strategies to rescue the remaining Chibok and Dapchi schoolgirls within two (2) weeks — *Agreed to.*

Resolved:

That the Senate:

- (i) felicitate with Nigerian Women and Girls on this year's International Women's Day Celebration; and
- (ii) mandate the Committees on Police Affairs; and National Security and Intelligence to summon the Inspector General of Police and the Chief of Army Staff to brief the Senate on the actual situation of things regarding the Kidnap and in addition present clear operational strategies to rescue the remaining Chibok and Dapchi schoolgirls within two (2) weeks (S/Res/201/03/18).

9. Committee on Water Resources:

Report on the National Water Resources (Establishment, etc.) Bill, 2018 (SB. 479):

Motion made: That the Senate do receive the Report of the Committee on Water Resources on the National Water Resources (Establishment, etc.) Bill, 2018 (Senator Ubali M. Shitu — Jigawa North-East).

Question put and agreed to.

Report Laid.

10. **Nigerian Building and Road Research Institute, (Establishment, etc.) Bill, 2018 (SB. 452):**
Motion made: That a Bill for an act to establish the Nigerian Building and Road Research Institute, and for other related matters 2018 (*Senator Mustapha Bukar — Katsina North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committees on Housing; and Establishment and Public Service to report within Four (4) weeks.

11. **Federal Polytechnic Daura (Establishment, etc.) Bill, 2018 (SB.465):**
Motion made: That a Bill for an act to establish the Federal Polytechnic Daura to provide full-time courses in technology, applied science management and other fields of studies and to make provisions for the general administration of the polytechnic and for other related matters connected therewith, 2018 (*Senator Mustapha Bukar — Katsina North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within Four (4) weeks.

12. **Joint Committee on Land Transport; Marine Transport; and Aviation:**
Report on the National Transport Commission Bill, 2018 (SB. 242):

Consideration of Report deferred to another Legislative Day.

13. **Pharmacy Council of Nigeria (Establishment, etc.) Bill, 2018 (H B. 656) - Concurrence:**
Motion made: That a Bill for An Act to Establish National Pharmacy Council of Nigeria and for Related Matters, 2018 be read the Second Time (*Deputy Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for An Act to Repeal the Pharmacists Council of Nigeria Act CAP. P17, Laws of the Federation of Nigeria, 2004, and Re-enact the Pharmacists Council of Nigeria Act to Regulate the Training and Practice of Pharmacy; and for other Related Matters, 2018 (*Concurrence*) (*Deputy Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE PHARMACISTS COUNCIL OF NIGERIA ACT CAP. P17, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND RE-ENACT THE PHARMACISTS COUNCIL OF NIGERIA ACT TO REGULATE THE TRAINING AND PRACTICE OF PHARMACY; AND FOR OTHER RELATED MATTERS, 2018.

PART I — ESTABLISHMENT OF THE PHARMACY COUNCIL OF NIGERIA

- Clause 1:**
- (1) There is established a body known as the Pharmacy Council of Nigeria (in this Bill referred to as "the Council")
 - (2) The Council —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name, and
 - (c) may acquire, hold or dispose of any property, movable or immovable, subject to the provisions of the Land Use Act, for the purpose of carrying out any of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Composition of the Council.

- (1) The Council shall consist of —
 - (a) Chairman, who shall be a pharmacist with not less than twenty - five years post registration experience;
 - (b) the Head of Food and Drug Services Department of the Federal Ministry of Health or his representative, who shall be a registered Pharmacist;
 - (c) the President of the Pharmaceutical Society of Nigeria;
 - (d) one Director responsible for Pharmaceutical Services from each of the geo-political zones chosen in rotation among the States in the respective zones;
 - (e) six members of the Committee of Deans chosen in rotation from approved Faculties of Pharmacy in Nigerian Universities;
 - (f) the head of Pharmaceutical Services of the Armed Forces of Nigeria;
 - (g) the Director-General of the National Institute of Pharmaceutical Research and Development or his representative; who shall be a Pharmacist;
 - (h) six members who shall not be of less than 10 years post qualification experience to represent the geo-political zones of the Federation, on the recommendation of the Pharmaceutical Society of Nigeria through the Minister;
 - (i) three members who shall be a registered Pharmacy Technician in good standing with the Council with not less than ten years post-registration experience;
 - (j) the Registrar of the Council who shall be a member and the Secretary to the Council; and
 - (k) the Director-General of NAFDAC or its representatives.

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

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Appointment and Tenure of Members of the Council.

- (1) The Chairman and other members of the Council other than the Registrar, shall —
 - (a) be appointed by the President on the recommendation of the Minister;
 - (b) hold office on part time basis for a term of four years; and
 - (c) be eligible for re-appointment on satisfactory performance for a further term of four years and no more;
- (2) The office of the Chairman or a member of the Council shall become vacant where —
 - (a) his term of office expires;
 - (b) he resigns his appointment as a member of the Council by a notice in writing under his hand addressed to the President; or
 - (c) he dies;
- (3) The President may on the recommendation of the Minister remove the Chairman or a Member of the Council on any of the following grounds—
 - (a) he has been absent from the Council meetings for four consecutive times without the permission of the Council;
 - (b) he is incapable of carrying out his duties due to mental or physical infirmity;
 - (c) he has been declared bankrupt or he makes compromise with his creditors;
 - (d) he has been convicted of a felony or any offence involving fraud or dishonesty;
 - (e) he is guilty of gross misconduct relating to his duties;
 - (f) the President is satisfied that it is not in the interest of the Council or of the public for the person to continue in office; or
 - (g) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Council.
- (4) Where any member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed shall as soon as possible appoint a person to fill the vacancy for the residue of the term aforesaid.

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

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Functions and Powers of the Council.

- (1) The Council shall in the public interest —
- (a) administer the provisions of this Bill;
 - (b) regulate the standard of Pharmacy practice and business in Nigeria;
 - (c) determine the standard of knowledge and skills to be attained by persons seeking to become registered members of the pharmacy profession and review such standards, from time to time;
 - (d) determine and set standards for the degree courses in Faculties of Pharmacy in Nigerian Universities;
 - (e) establish requirements and standards for registration of intern Pharmacists for internship and any other experiential training to enable a person obtain practical experience in the practice of pharmacy;
 - (f) establish requirements for the grant of licence to intern Pharmacists to undergo internship training and engage in the practice of Pharmacy in an approved institution under the direct supervision of registered pharmacists;
 - (g) establish and maintain a register of persons entitled to practice as members of the pharmacy profession and publish the list of members from time to time;
 - (h) approve, licence and regulate the registration and practice or operations in all pharmaceutical premises where drugs, medicines and poisons are manufactured, imported, exported, distributed, stored, dispensed or sold in Nigeria, excluding the (GMP) activities in the manufacturing sector;
 - (i) establish and maintain a register of premises used for the manufacture, storage, importation, exportation, distribution, sale and dispensing of drugs, poisons and medicines;
 - (j) formulate, publish and review from time to time, the Code of Conduct, Ethics and Practice of the pharmacy Profession and code of conduct for pharmacy technicians, patent medicine vendors and pharmaceutical marketers;
 - (k) determine and set standards for the training of Pharmacy technicians in Schools and Colleges of health technology approved by Council;
 - (l) — determine the standards of knowledge and skills to be attained by persons seeking to become pharmacy technicians and patent medicine vendors, and review such standards, from time to time;

- (m) establish requirements for continuing education and development for pharmacists, pharmacy technicians, patent medicine vendors and other cadres in practice in institutions and centres recognized by it, including the determination of acceptable continuing educational and developmental courses;
- (n) register, regulate and control the practice of pharmacy technicians or such other cadres as may be recognized by the Council in Nigeria;
- (o) register, regulate and control the activities of Patent and Proprietary Medicines Vendors and satellite medicine facilities, pharmacies, pharmaceutical manufacturing, importation, distribution of pharmaceutical products and veterinary products in Nigeria;
- (p) regulate and control the practice of pharmaceutical marketing and representations;
- (q) regulate and control pharmacy practice in all its aspects and ramifications; and
- (r) do such other things that are necessary to ensure the efficient discharge of the functions conferred on the Council under this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

PART II — REGISTRAR AND OTHER STAFF OF THE COUNCIL

Clause 5: Appointment, Functions and Tenure of the Registrar of the Council.

- (1) There shall be a Registrar appointed by the Council who shall be a registered Pharmacist of not less than 20 years post - registration experience.
- (2) The Registrar shall be —
 - (a) the chief executive and accounting officer of the Council;
 - (b) member and secretary to the Council and the secretary to the Disciplinary Tribunal;
 - (c) responsible for the execution of policies, decisions and directives of the Council and the day-to-day administration of the Council;
 - (d) responsible for keeping and maintaining the registers under this Bill; and
 - (e) subject to the supervision and control of the Council.
- (3) The Registrar shall hold office —
 - (a) for a term of four years from the date of his appointment and shall be eligible for re-appointment for another term of 4 years and no more; and
 - (b) on such other terms and conditions as may be specified in his letter of appointment.

- (4) The office of the Registrar shall become vacant where —
- (a) his term of office expires;
 - (b) he resigns his appointment as Registrar by a notice in writing under his hand addressed to the Council;
 - (c) he is incapable of carrying out his duties due to mental or physical infirmity;
 - (d) he has been declared bankrupt or he makes compromise with his creditors;
 - (e) he has been convicted of a felony or any offence involving fraud or dishonesty;
 - (f) he is guilty of gross misconduct relating to his duties;
 - (g) he dies; or
 - (h) the Council is satisfied that it is not in the interest of the Council or of the public for the person to continue in office.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Other Staff of the Council.

- (1) The Council shall appoint directly or on Secondment from other Government Ministries, Departments and Agencies such number and category of employees as it may require in the effective discharge of its duties and functions under this Bill.
- (2) The Council shall have power to appoint, promote and discipline staff of the Council.
- (3) The Council shall make rules and regulations in line with Public Service Rules relating to the conditions of service of employees of the Council, including rules providing for the appointment, promotion, advancement, determination of appointment and discipline of the employees.
- (4) The members of staff of the Council shall be public officers as defined in the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- (5) Service in the Council shall be pensionable service under the Pension Reform Act provided that nothing in this section shall exclude the Council from employing staff on non-pensionable terms and conditions.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Zonal and State Offices.

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

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Co-operation with other Bodies.

The Council may cooperate with relevant organizations and authorities involved in public health - related issues in the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

PART III — FINANCIAL PROVISIONS**Clause 9: Fund of the Council.**

- (1) There is established for the Council, a fund which shall consist of —
 - (a) budgetary and extra budgetary allocations received from the Government of the Federation, grants and annual subventions;
 - (b) all monies held immediately before the commencement of this Bill by the Pharmacists Council of Nigeria;
 - (c) gifts, loans, endowment, grants-in-aids, testamentary disposition, bequest or other voluntary contributions where the terms and conditions attached are not inconsistent with the functions of the Council;
 - (d) all foreign aids and monetary assistance received by the Council under any agreement or arrangement with any international body or organization with the approval of the Government of the Federation;
 - (e) fees, charges for publications and services rendered by the Council; and
 - (g) such other monies as may be received by the Council from investments and other sources
 - (h) Pharmaceutical Education Fund: It shall be lawful for pharmaceutical companies to make contribution to the pharmaceutical educational development in Nigeria. The Council shall determine the sum to be contributed to the educational pharmaceutical funds from time to time.
- (2) The Council may apply the fund established under subsection (1) of this section—
 - (a) to pay the costs of administration, charges and expenses of the Council;
 - (b) to discharge the cost of maintaining the Head Office and other offices of the Council;
 - (c) for the development and maintenance of any property vested in or owned by the Council;

- (d) for the payment of the allowances and other benefits of members of the Council or any committee set up by it;
- (e) for payment of emoluments, allowances, benefits and other entitlements of the Registrar and other staff of the Council;
- (f) for payment for all purchases made by the Council and the training of members of its staff;
- (g) for provision of scholarships, bursaries and awards for specialized training of members of staff of the Council;
- (h) for payment to publicize and promote the activities of the Council;
- (i) for payment to various stakeholders involved in regulatory activities of the Council;
- (j) for payments for the support of national and international scientific and professional organizations;
- (k) for maintaining general financial reserves subject to general or specific directives that may be given by the President;
- (l) for payments of annual and other subscriptions and contributions to national and international scientific and professional organizations;
- (m) for the payment of all consultancies, legal fees and costs of contracts awarded by the Council; and
- (n) for any other expenditure as may be approved by the Council, from time to time, in connection with all or any of its functions and powers under this Bill.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Investment of the Fund of the Council.

- (1) The Council may invest any or all monies in its fund, not immediately required for its current expenditure in —
 - (a) any securities created or issued by or on behalf of the Federal Government, as may be approved by the Council, from time to time;
 - (b) the purchase or improvement of any land in any part of the Federation; or
 - (c) any venture in Nigeria as may be approved by Minister, including investment in stocks quoted at the Nigerian Stock Exchange.
- (2) In the exercise of its powers of investment under subsection (1) of this section, the Council may from time to time vary any such investments and may deposit any monies for the time being un-invested with any bank approved by the Council in line with Government Regulations.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Power to Borrow.

The Council may with the approval of the President and in line with applicable laws, policies and regulations, borrow such sums by way of loan, overdraft or from any other source, as may be required for the performance of its functions and meeting its obligations under this Bill; and any interest payable on monies so borrowed shall be paid out of the fund of the Council.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Power to Accept Gifts.

- (1) The Council may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the persons or organization making the gift.
- (2) The Council shall not accept any gift if the conditions attached by the persons or organization offering the gift are inconsistent with the functions of the Council under this Bill.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Annual Estimates.

- (1) The Council shall, not later than 30th September of each financial year, prepare and submit to the Minister for onward transmission to the National Assembly, an estimate of its income and expenditure for the next succeeding year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Council may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for onward transmission to the National Assembly for approval.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Accounts, Records and Audit.

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

- (2) The Council shall do all things necessary to ensure that all payments of its funds and bank accounts are correctly made and properly authorized and that adequate control is maintained over its assets.
- (3) As soon as the accounts and the financial statements of the Council have been audited in accordance with the requirement of this Bill, the Council shall forward a copy of the audited financial statements to the Minister together with any report or observations made by the auditors and the Auditor-General for the Federation on the statement of accounts.
- (4) The remuneration of the auditor shall be paid out of the fund of the Council.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Annual Reports.

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

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

**PART IV — REGISTERS OF PHARMACIST, PHARMACY TECHNICIANS, PREMISES,
SATELLITE MEDICINE FACILITIES AND PATENT MEDICINE SHOPS**

Clause 16: Keeping and Maintaining Registers.

- (1) The Registrar shall in accordance with Rules made by the Council, keep and maintain—
 - (a) a register of Pharmacists, where the names, addresses, qualifications and such other particulars of all persons who are entitled to be enrolled as provisional members or members of the profession who apply to the Council to be so registered shall be entered;
 - (b) the register of Pharmacy Technicians where the names, addresses, qualifications and such other particulars of all persons who are entitled to be enrolled as Pharmacy Technicians who apply to the Council to be so registered shall be entered;
 - (c) the registers of premises used by Pharmacists, Pharmacy Technicians and Patent Medicine vendors, or any other person licensed by the Council for the manufacture, production, exportation, importation, stocking, distribution, sale or dispensing of drugs and medicines and the provision of other pharmaceutical products shall be entered; and
 - (d) any other register that the Council may require to be kept from time to time.
- (2) The register of Pharmacists provided for under subsection (1) of this section shall consist of two parts as follows—

- (a) provisional members; and
 - (b) members.
- (3) The register of the Pharmacy Technicians provided for under subsection (1) of this section shall consist of —
- (a) the names of Pharmacy Technicians;
 - (b) matters relating to Pharmacy Technicians; and
 - (c) particulars of the location where medicines are sold or distributed by Pharmacy Technician or satellite medicine facility.
- (4) A register of premises referred to under subsection (1) of this section shall contain—
- (a) the names and addresses of premises to which the entries relate and to which members carry on pharmacy business;
 - (b) the type of pharmaceutical practice being carried on at the premises;
 - (c) the name of the Pharmacist or person, company, firm or body lawfully carrying on the business;
 - (d) the name of the approved vendor of medicines and location where the medicines are being sold; and
 - (e) such other matters relating to the premises as may be specified by the Council.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Rules for keeping and Maintaining Registers.

- (1) Subject to the provisions of this Bill, the Council shall make rules with respect to the forms, contents, parts and procedures for keeping and making of entries in any of the registers provided under this Part.
- (2) The rules made pursuant to subsection (1) of this section shall in particular make provision for—
 - (a) regulating the making and processing of applications for enrolment of provisional members or members and the registration of premises under this section;
 - (b) providing for the notification to the Registrar of any change in those particulars by the person to whom any registered particulars relate or by the person carrying on a pharmacy practice at any registered premises;
 - (c) providing for the procedure for the acceptance and registration of additional qualification to the earlier qualification held by him which is in relation to the profession;
 - (d) specifying the fees, including any annual subscription, to be paid to the Council in respect of—
 - (i) entry of names in the register of Pharmacists or in respect of the registration of premises in the register of premises, and

- (ii) entry of names in the register of Pharmacy Technicians or in respect of the registration of Satellite Medicine Facilities or Patent Medicines Vendors in respect of registration of shops;
 - (e) authorizing the Registrar to refuse to enter a name or premises in a register until any fees specified for the entry has been paid or until the premises comply with the requirements of this Bill or of rules made on that behalf which are for the time being in force; and
 - (f) specifying any other thing not mentioned under the foregoing provisions which the Council considers necessary or expedient.
- (3) A document signed by the Registrar stating that, on a specified date, specified persons or premises were or were not registered under this Bill shall be admissible in a proceeding as evidence of such registration or non-registration.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Correction of Entries in the Registers.

It shall be the duty of the Registrar, to —

- (a) correct any entry in the registers of Pharmacists, premises, Pharmacy technicians, satellite medicines facilities and patent medicines shops in accordance with the Council's directions or order of court;
- (b) make or update, from time to time, any necessary alteration in the registers of Pharmacists, Pharmacy Technicians, satellite medicines facilities, licensed patent medicines shops and the registers of premises as may be necessary or expedient;
- (c) remove from the registers of Pharmacists, pharmacy technicians, satellite medicines facilities and patent medicines shops or the registers of premises the name of any registered person who is dead or premises which has ceased to be used for the purpose for which it was registered; and
- (d) remove from the register of premises any premises that its registration has become void under the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Removal of Names from the Registers.

(1) Where the Registrar—

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

- (b) considers it necessary upon the expiration of that period of six months, sends in the like manner to the person in question, a second similar letter and receives no reply within three months from the date of posting or sending it;
 - (c) the Registrar may remove the name and particulars of that person or any registered premises where that person carries on a pharmacy practice from the register of Pharmacists, Pharmacy technicians, satellite medicines facilities and Patent Medicines Vendors or the registers of premises or both.
- (2) The Council may direct the Registrar to restore to the appropriate register any name, premises or particulars removed from the register under subsection (1) of this section.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Publication of List of Pharmacists, Pharmacy Technicians, Premises, Satellite Medicines Facilities and Patent Medicines Shops, etc.

The Registrar shall cause —

- (a) the list of licensed Pharmacists, Pharmacy Technicians, Satellite Medicines Facilities, Patent Medicines Vendors and licensed premises to be printed, published and gazetted not later than two years from the commencement of this Bill;
- (b) to be updated, printed and published, each of the lists referred to under paragraph (a) of this section, in each subsequent year;
- (c) a print of each edition of the list of licensed Pharmacists, Pharmacy Technicians, satellite medicines facilities and Vendors and the lists of premises and of each document or corrections thereto to be deposited at the principal office of the Council; and
- (d) to be kept, the documents so deposited in line with the provisions of paragraph (c) of this section, open to members of the public at all reasonable times for inspection.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Print of an Edition of a Register as Admissible Evidence.

- (1) A document purporting to be a print of an edition of any list published under section 20 of this Bill by authority of the Registrar, or documents purporting to be prints of an edition of such list, and of the lists of corrections to that edition so published in the current year and of lists of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence showing that —
 - (a) any other person or premises specified in the document, or
 - (b) the documents read together, as being licensed;

- (c) was so licensed at that date of the edition or of the list of corrections of licensed persons or premises, as the case may be, and that any person or premises not so specified was not so licensed at that date.
- (2) Where in accordance with subsection (1) of this section, the name of any person or any premises, as the case may be, is in any proceedings shown to have been or not to have been licensed in the register of pharmacists or the register of premises at a particular date, the person or the premises, as the case may be, shall unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be so licensed.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

PART V — REGISTRATION OF PREMISES

Clause 22: Registration of Premises.

- (1) Any place used for the purpose of dispensing, selling, compounding, distribution, storage, stocking, retailing, wholesale, manufacturing, importation, exportation of drugs and poisons, scientific offices or any other form of pharmaceutical activities shall be registered in accordance with the provisions of this Bill.
- (2) Where an application is made under subsection (1) of this section and it appears to the Registrar that the premises to which the application relates do not comply with the requirements of this Bill, the Registrar may refuse to register the premises and state the reasons for such refusal in writing.
- (3) The applicant may within thirty days after the service of notice of refusal by the Registrar under subsection (2) of this section, give notice to the Registrar of his desire to be heard or make representation in writing to the Registrar with respect to the notice of refusal.
- (4) The Registrar before making any determination under subsection (3) of this section shall—
 - (a) where the applicant has given notice of his desire to be heard; afford the applicant an opportunity of appearing before and being heard by a person appointed by the Registrar for the purpose; or
 - (b) where the applicant has made representations in writing; consider the representations of the applicant in determining whether the premises is suitable for registration or otherwise.
- (5) Where a determination is made pursuant to subsection (4) of this section that the premises is —
 - (a) suitable for registration, the Registrar shall cause the details of the premises to be entered into the register subject to the provisions of section 23 of this Bill; or
 - (b) unsuitable for registration, the Registrar shall not enter the premises in the register; and shall notify the applicant of his decision accordingly.

- (6) Where the applicant is dissatisfied with the decision under paragraph (b) of subsection (5) of this section, he may within fourteen days after being notified of the decision make application in writing to the Council stating the grounds of his dissatisfaction and the reliefs sought.
- (7) The Council shall consider and determine the application made pursuant to the provisions of subsection (5) of this section within three months of the receipt of the application or such extended period as it may deem necessary in any particular case.
- (8) Where the Council pursuant to subsection (6) of this section, determines that the premises is —
 - (a) suitable for registration, the Registrar shall enter the premises in the register, subject to the provisions of section 23 of this Bill; or
 - (b) unsuitable for registration, the Registrar shall not enter the premises in the register; and shall notify the applicant of the decision accordingly, in writing.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Payment of Fees in Respect of Registration and Retention of Premises.

- (1) The Council shall prescribe the fees for the registration and retention of premises.
- (2) The Council may vary the prescribed fees provided for under subsection (1) of this section.
- (3) A person shall not operate a premises where drugs, poisons and medicines are sold, dispensed, distributed, manufactured, stored, imported or exported unless he has paid the prescribed fees and is duly licensed by the Council.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Payment of Retention Fees.

- (1) Where any premises has been entered in the register of premises, a retention fee of an amount prescribed by the Council in respect of the type of pharmacy practice being carried on at the premises, shall be payable to the Council every subsequent year by the person carrying on the pharmacy practice in the premises.
- (2) A retention fee shall become due on the first day of January of each year.
- (3) Where the person carrying on pharmacy practice at any premises entered in the register of premises fails to pay the retention fee in respect of any year by 31st day of March, the Council may close the premises and remove the name from the register of premises.

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

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Records of Annual Subscription Defaulters.

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

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26 Application for Retention of Name of all Premises.

- (1) Every person who carries on practice of Pharmacy whether on line or on sight shall, in the month of January in each year deliver to the Registrar, an application for renewal or retention of name of the premises at which his practice is located or where he carries on his practice for a prescribed fee.
- (2) An application for renewal or retention of premises under subsection (1) of this section shall state the name of the Superintendent Pharmacist under whose control the practice is being carried on.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27 Operating a Retail, Community Pharmacy or Pharmaceutical Company.

- (1) A person shall not own or operate a retail or community pharmacy practice unless such a person is registered as a Pharmacist under this Bill.
- (2) The Council may approve satellite pharmacy owned by licensed pharmacists who have a minimum of 10 years post-registration experience provided that such satellite pharmacy is affiliated to a registered pharmaceutical premises for the purpose of regulation and control.
- (3) A company owned by non-Nigerians or foreign company shall not own or operate a chain retail or community pharmacy unless such a company has Nigerian pharmacist or pharmacists on Board of Directors who shall alone or jointly own not less than 40% shares of the company.
- (4) A corporate body shall not operate a pharmaceutical company for the purpose of manufacture, importation, exportation, distribution or wholesale business without having as a member of the Board of Directors, at least a registered Pharmacist who shall be a shareholder of the company.
- (5) A person or corporate body shall not own or operate a private pharmacy in a public health facility.

- (6) Any pharmacist who makes a false statement under subsection (3) above commits an offence and is liable on conviction to a fine equivalent to the value of the shares he claimed to own or a term of imprisonment for 2 years or both.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Failure to Renew Premises Licence by the 31st Day of March.

- (1) Any licensee that fails to renew its licence by the 31st day of January in each year shall in addition to the prescribed fee, pay a fine equivalent to fifty percent of the applicable fee.
- (2) Any premises which fail to renew its licence by the 31st day of March in each year shall be considered to be operating in violation of the provisions of this Bill and shall be liable to closure by the Council.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Requirement for Superintendent Pharmacists.

- (1) Every pharmaceutical premises shall be under the direct supervision of a Superintendent Pharmacist.
- (2) Where a premises is operated without a Superintendent Pharmacists for a continuous period of thirty days, the registration of the premises certificate shall lapse at the expiration of that thirty days.
- (3) Every pharmacy whether in public or private hospital shall be under the supervision and control of a superintended pharmacist.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Notification of Change in Company's Profile

- (1) A body corporate shall notify the Council of any change in its company's profile, profile of Pharmacist Director, ownership, type of business being done on the premises and name of the company not later than sixty days of its occurrence.
- (2) A body corporate shall conspicuously display the original of the Superintendent Pharmacist's annual licence and certificate of registration of the premises.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Appointment of Pharmaceutical Inspection Officer.

- (1) The Council shall appoint licensed pharmacists as Pharmaceutical Inspection officers.

- (2) A person appointed by the Council as Pharmaceutical Inspection officer may for the purposes of section 32 of this Bill enter at any reasonable time—
 - (a) any premises where pharmaceutical activities are carried on; or
 - (b) any premises on or in relation to which he has reasonable cause to believe that an offence with respect to this Bill has been committed.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Powers of Pharmaceutical Inspection Officer.

- (1) A pharmaceutical Inspection officer may—
 - (a) require the Superintendent Pharmacist on the premises to furnish him with any information in his or her possession concerning the pharmaceutical activities being carried on in the premises;
 - (b) inspect and seal premises where drugs are sold or dispensed, in violation of any provisions of the Bill;
- (2) A Pharmaceutical inspection officer appointed by the Council in the course of his duty and on production of his identity card if so requested, may—
 - (a) open and examine while in the premises any container or package which he reasonably believes may contain anything which may help in his investigation;
 - (b) examine any book, computer, document, prescription, register of poison or dangerous drugs or other records, electronic or printed found on the premises which the pharmaceutical inspection officer reasonably believes may contain any information relevant to the enforcement of the Bill and make copies thereof or extracts from it.
- (3) A pharmaceutical inspection officer who uses to his advantage or discloses to a third party any information obtained in the course of his duties under this Bill other than for investigative and prosecutorial purposes, commits an offence.
- (4) Any person who willfully delays, cause to be delayed or obstruct or cause to be obstructed a pharmaceutical inspection officer in the exercise of any of the powers conferred upon him under this Bill, commits an offence.
- (5) The owner or person in-charge of any premises entered into by a pharmaceutical inspection officer shall render all reasonable assistance within their powers to the pharmaceutical inspection officer and shall make available to him all such information as he may reasonably require for the purpose of the Bill.
- (6) A person operating any pharmaceutical business on any premises has a duty to provide information on the owner when requested by an inspector and to produce to the inspector all books kept in accordance with this Bill.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Inspection and Registration of Hospital Pharmacies.

- (1) Pharmacies in both public and private hospitals and clinics shall be subject to inspection, registration and annual licensure by the Council.
- (2) There shall be a Superintendent Pharmacist in every public or private hospital, clinic or healthcare institution where drugs are dispensed.
- (3) The Council may grant exemptions on the application of subsections (1) and (2) of this section or prescribe supervisory roles to cover pharmaceutical services in under served areas, on such terms as the Council may prescribe.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

PART VI — REGISTRATION OF PHARMACISTS**Clause 34: Registration of Pharmacists.**

- (1) A person shall not hold any appointment as a Pharmacist or practice as a Pharmacist in Nigeria unless he is registered with the Council under the provisions of this Bill.
- (2) A registered Pharmacist shall be entitled to practice as a Pharmacist in any part of Nigeria provided he is licensed to practice.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Registration of Provisional Member or Member.

- (1) A person admitted to membership of the Pharmacy profession in Nigeria under the provisions of this Bill may be registered as—
 - (a) a provisional member; or
 - (b) a member.
- (2) A person shall be entitled to be enrolled as a provisional member where he—
 - (a) has completed a degree course of study in a Faculty of Pharmacy in a recognized University;
 - (b) has submitted a written application in the form prescribed by the Council and has paid the prescribed registration fee;
 - (c) has sworn to the Pharmacist oath;
 - (d) is of good character;
 - (e) has not been convicted in the last ten years in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty; and
 - (f) meets any other requirements for registration as a provisional member of the profession as may be prescribed by the Council;
- (3) A person shall be entitled to be registered as a member of the profession if in addition to holding the qualifications and satisfying all the conditions set out in subsection (2) of this section; he—

- (a) has submitted a written application in the form prescribed by the Council and paid the prescribed fee for his registration;
- (b) has completed the statutory continuous internship training for not less than one year in an institution approved by the Council and has obtained from the approved institution a certificate of experience in that regard;
- (c) meets any other requirements for registration as a member of the profession as may be prescribed by the Council.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Registration of Nigerian Citizen who Qualified Outside Nigeria.

A Nigerian citizen who qualified as a Pharmacist in an approved institution outside Nigeria shall be registered as a Pharmacist under this Bill; where he—

- (a) holds a qualification in Pharmacy awarded by an approved or recognized university outside Nigeria which qualification for the time being, is acceptable to the Council for the purposes of this Bill;
- (b) holds a certificate of registration as a Pharmacist, acceptable to the Council;
- (c) has completed in Nigeria the statutory internship course of training and obtained certificate specified in section 35 (3) (b) of this Bill (where applicable);
- (d) has received instructions in Pharmacy for a period specified by the Council in an institution in Nigeria approved by the Council for the purpose, and has passed such examinations as the Council may prescribe, including an examination in Forensic Pharmacy;
- (e) is of good character;
- (f) has not been convicted in the last ten years in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
- (g) submits a duly completed application in writing in the prescribed form and paid the prescribed fee for his registration; and
- (h) meets any other requirements for registration as a member of the profession as may be prescribed by the Council.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Registration of non-Nigerian Pharmacists.

- (1) A person who is not a citizen of Nigeria may be registered as a Pharmacist under this Bill if the country of which he is a citizen grants reciprocal registration facilities to Nigerian citizens and where he—
 - (a) holds a requisite qualification recognized by the Council;

- (b) has passed the Council's examination in law and ethics governing the practice of Pharmacy in Nigeria and such other examinations as the Council may prescribe;
 - (c) has acquired the requisite experience in accordance with section 34(3) (b) of this Bill;
 - (d) has been resident in Nigeria for not less than twelve calendar months immediately preceding the date of his application for registration; and
 - (e) meets all other requirements for registration as may be prescribed by the Council.
- (2) An applicant applying for registration under this section shall in addition to evidence of qualification, satisfy the Council that he—
- (a) is of good character;
 - (b) has not been convicted in the last ten years in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
 - (c) submits a duly completed application in writing in the prescribed form; and
 - (d) has paid the prescribed fee for registration.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Payment of Practicing Fees.

- (1) No person shall practice as a Pharmacist in any year unless he has paid to the Council the appropriate practicing fees prescribed by the Council which shall be due in January of each year as prescribed by the Council.
- (2) The Council shall disburse or distribute the aggregate amount collected as practicing fees as follows—
 - (a) 70 percent to the Pharmaceutical Society of Nigeria; and
 - (b) 30 percent to the Council.
- (3) A Pharmacist with at least forty years post registration experience or who has attained the age of sixty-five years is exempted from the payment of practicing fees.
- (4) A registered Pharmacist who fails to pay the prescribed practicing fee by 31st day of March of every year shall in addition to the fee, pay a fine of a sum which is equivalent to fifty percent of the applicable fee within the year.
- (5) A registered Pharmacist who has paid his practicing fee in any year as prescribed in subsection (1) of this section or who is exempted from payment of practicing fee under subsection (3) of this section, shall be entitled to a practicing licence for that year authorizing him, subject to any enactment or regulation in force applicable to him to —

- (a) import, export, mix, compound, prepare, dispense, sell, procure and distribute drugs and poisons, herbal medicines, veterinary drugs and health supplements, chemicals and home use Invitro Diagnostics (IVDs);
 - (b) monitor pharmaceutical products;
 - (c) perform other duties related to —
 - (i) Drug Utilization Review (DUR);
 - (ii) Pharmaceutical Care (PC);
 - (iii) Collaborative Drug Therapy Management (CDTM); and
 - (d) any other pharmaceutical activities.
- (6) The Council may from time to time, vary the practicing fees prescribed in subsection (1) of this section provided that any variation of the practicing fee shall not come into force unless confirmed at the Annual General Meeting of the Pharmaceutical Society of Nigeria.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 38 do stand part of the Bill, put and agreed to.

PART VII — TRAINING AND INTERNSHIP OF PHARMACISTS

Clause 39: Approval of Institutions and Pharmacy Degree Courses, etc.

- (1) No Institution shall award any degree in pharmacy unless such Institution and the Course of study are approved by the Council.
- (2) The Council may approve —
 - (a) any course of training intended for persons seeking to become or who are already Pharmacists and which in the opinion of the Council is designed to confer appropriate knowledge and skills; and
 - (b) any qualification with attendant course content which in the opinion of the Council affords the candidate sufficient knowledge and skill to practice as Pharmacist.
- (3) The Council may withdraw any approval given under subsection (1) of this section in respect of any course, qualification or institution provided that before such approval is withdrawn, the Council shall—
 - (a) give notice of such proposed withdrawal to the affected institution;
 - (b) give the institution an opportunity of make representation to the Council in respect of the proposed withdrawal; and
 - (c) take into account any representations made to it pursuant to paragraph (b) of this subsection as regards the proposed withdrawal.
- (4) A course, qualification or an institution shall not be treated as approved under this section during any period that the approval is withdrawn by the Council under this section.

- (5) The withdrawal of an approval under subsection (3) of this section shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration either unconditionally or subject to obtaining a certificate of experience as an intern Pharmacist immediately before the approval was withdrawn.
- (6) The giving or withdrawal of an approval under this section shall have effect from the date the Council may signify in an instrument and the Council shall —
 - (a) publish such instrument in the Gazette; and
 - (b) before its publication as fore said, send a copy of the instrument to the Minister.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Supervision and Assessment of Institutions, Instructions and Degree Examinations.

- (1) The Council shall, from time to time, assess the nature of instructions given to persons undergoing professional degree course of training in Pharmacy in an approved Institution.
- (2) The council may where necessary constitute external assessors or visitation teams to evaluate degree examinations or course of training in approved Institutions.
- (3) The external assessors or visitation teams shall submit a report to the Council on the approved institution visited and the report may disclose—
 - (a) the adequacy of the instructions given to persons attending the degree course of training in Pharmacy or the facilities for such instructions;
 - (b) the adequacy of the professional Pharmacy degree examinations; and
 - (c) any other matter relating to the institutions and examinations on which the Council may, either generally or in particular direct;
 - (d) provided that external assessors or visitation team shall not in the performance of its functions under this section interfere with the holding of any degree examination.
- (4) The Council may, on the receipt of a report made under this section by a visitation team or external assessors, demand for a clarification from the institution visited where necessary.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 40 do stand part of the Bill, put and agreed to.

Clause 41: Intern Pharmacists Trained in Nigeria.

- (1) A person seeking to undergo training as an intern Pharmacist under this Bill shall —
 - (a) be a graduate and have received a first degree in Pharmacy from a recognized University approved by the Council; and

- (b) be duly registered as a provisional member.
- (2) An intern Pharmacist shall within six weeks of commencing his training as an intern notify the Council in the prescribed form of the —
 - (a) identity of the institution approved by the Council, where he is undergoing his internship;
 - (b) particulars of the registered Pharmacist approved by the Council to supervise his work; and
 - (c) date when the internship commenced.
- (3) An intern Pharmacist shall as soon as any change in the particulars mentioned in subsection (2) (a) and (b) of this section occurs, notify the Council of the change.
- (4) One year period of internship training shall be calculated from the date of the notification referred to in subsection (2) of this section.
- (5) An Intern Pharmacist, after the one year internship training shall be required to pass a pre-registration examination to qualify for full registration as a pharmacist.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Approval of Institutions for Internship Placement.

- (1) An Institution or Facility shall not be used for internship placement for the purposes of section 39 of this Bill, unless approved by the Council in writing.
- (2) The Council shall approve an institution for the purpose of subsection (1) of this section where it is satisfied that —
 - (a) the Institution or facility provide a conducive environment to the learning of the practice of Pharmacy by intern Pharmacists; and
 - (b) all intern Pharmacists undergoing the training at the institution at any particular time are exposed to all facets of the practice of Pharmacy available at the institution or facility.
- (3) The Council may make rules or guidelines for Internship placement.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 42 do stand part of the Bill, put and agreed to.

Clause 43: Supervision of Intern Pharmacists.

- (1) An intern Pharmacist in an approved institution under section 40 (1) of this Bill shall be under the direct supervision of a licensed Pharmacist who must have practiced for such a period as Council may specify by regulations.
- (2) A Pharmacist serving as a supervisor of an intern Pharmacist shall notify the Council in the prescribed form of the date of commencement of the internship by the intern Pharmacist.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 43 do stand part of the Bill, put and agreed to.

PART VIII — TRAINING AND REGISTRATION OF PHARMACY TECHNICIANS

Clause 44: Training and Registration of Pharmacy Technician.

- (1) No Institution shall award Pharmacy Technician certificate unless such Institution and the Course of study are approved by the Council.
- (2) A person shall not be qualified to work as a Pharmacy Technician in any part of the Federation unless he is duly registered and issued with an annual permit by the Council as a Pharmacy Technician.
- (3) A person shall not be registered by the Council as a Pharmacy Technician unless he has -
 - (a) undergone a course of training for Pharmacy Technicians in a School of Health Technology or any other institution approved by the Council;
 - (b) been converted from pharmacy assistant to Pharmacy Technician before the commencement of this Bill or holds a certificate issued by a recognized Institution approved by the Council; or
 - (c) undergone a course of training in a foreign institution recognized by the Council for a specified period of time and has also undergone a mandatory six months orientation programme in a School of Health Technology or any other Institution recognised by the Council for that purpose.
- (4) A person who is registered as a Pharmacy Technician under subsection (2) of this section shall work under the direct supervision and control of a registered Pharmacist.
- (5) A supervising Pharmacist shall not assign to a Pharmacy Technician any duty which is required under the provision of this Bill to be performed only by a Pharmacist.
- (6) A person who does not possess the qualifications specified in subsection (2) of this section or who has not registered as a pharmacy technician or deemed to have been so registered, shall not work or perform any duty as a pharmacy technician at any place of work in any part of Nigeria.
- (7) A person shall not -
 - (a) use or bear the title "Pharmacy Technician" in connection with any work or duty performed by him at any place of work in any part of Nigeria, if he is not registered as a Pharmacy Technician in accordance with the provisions of this Bill;
 - (b) use or bear the title "Pharmacy Technician" in connection with his work or duty, in circumstances likely to suggest that he possesses any of the qualifications specified in subsection (2) of this section for Pharmacy Technicians but that person does not in fact possess or to suggest that he has been registered or deemed to be registered as a Pharmacy Technician under this Bill, when in fact he is not so registered; and

- (c) work as a Pharmacy Technician in any year unless he has paid in respect of that year the prescribed annual permit renewal fee before 31st day of March.
- (8) Any person who violates the provisions of subsection (5) and (6) of this section commits an offence and shall be liable on conviction to a term of imprisonment for 2 years or a fine of N500,000 or to both such fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 44 do stand part of the Bill, put and agreed to.

PART 1X — PROFESSIONAL DISCIPLINE

Clause 45: Establishment of Disciplinary Tribunal.

- (1) There shall be a tribunal to be known as the Pharmacy Council of Nigeria Disciplinary Tribunal (hereinafter referred to as the "Tribunal") which shall be charged with the responsibility of considering and determining any case referred to it by the Investigating Panel established under section 46 of this Bill.
- (2) The Tribunal shall consist of the Chairman of the Council and six other members appointed by the Council.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Establishment of an Investigating Panel.

- (1) There shall be a body to be known as the Pharmacy Council of Nigeria Investigating Panel (hereinafter referred to as the "Investigating Panel") charged with the following responsibilities -
 - (a) conducting a preliminary investigation into any case where it is alleged that a person registered under this Bill as a Pharmacist, Pharmacy intern or Provisional member has committed an act in that capacity amounting to a professional misconduct or infamous conduct in a professional respect, 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.
- (2) The Panel shall be appointed by the Council and shall consist of four members of the Council and one other person who is not a member of the Council, but who shall be a registered Pharmacist appointed by the Council.
- (3) The provisions of the Second Schedule to this Bill shall apply to the Tribunal and the Investigating Panel respectively.
- (4) Without prejudice to the foregoing provisions of this section, the Council shall make regulations for the discipline of pharmacy technicians and medicine Vendors when necessary.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: Meaning of Professional Misconduct or Infamous Conduct.

- (1) For the purposes of this Part, professional misconduct or infamous conduct in a professional respect include -
 - (a) the publication or circulation of false, misleading or deceptive statements concerning the practice of pharmacy;
 - (b) divulging or revealing to unauthorized persons, a patient or another practitioner's information, or the nature of professional pharmacy services rendered, without the patient's express consent, or without order or direction of a court;
 - (c) selling, giving away, or disposing of accessories, chemicals, drugs, medicines or devices which have been obtained illegally, when the pharmacist knows or ought to have known of their having been obtained illegally or their intended use in illegal activities;
 - (d) manufacturing, importing, exporting, procuring, compounding, mixing, preparing, dispensing, selling, distributing of medicines, chemicals, drugs, poisons, devices or accessories in an unlicensed premises;
 - (e) dispensing, selling, distributing, giving away or disposing accessories, chemicals, drugs, poisons, medicines or devices to unauthorized persons;
 - (f) engaging in conduct likely to deceive, defraud or harm the patient or the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient or the public or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a pharmacist;
 - (g) knowingly failing to maintain a complete and accurate records of all drugs and medicines produced, received, dispensed or disposed of in compliance with the requirements of all enactments, regulations and rules for the time being in force;
 - (h) practicing the profession without being licensed; or
 - (i) obtaining any monies by fraud, misrepresentation or deception.
- (2) Without prejudice to the provisions of subsection (1) of this section, the Council may make rules prescribing other acts or omissions which shall constitute professional misconduct or infamous conduct in professional respect under this Bill.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: Penalties for Professional Misconduct, Etc.

- (1) Where -

- (a) a pharmacist is found by the disciplinary tribunal to be guilty of professional misconduct or infamous conduct in any professional respect;
- (b) a pharmacist is convicted by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence which in the opinion of the tribunal is incompatible with his status as a pharmacist; or
- (c) the disciplinary tribunal finds that the name of any person has been fraudulently registered under this Bill;

the tribunal may give a direction -

- (i) reprimanding that person;
 - (ii) ordering the Registrar to suspend him from practice;
 - (iii) ordering the Registrar to strike out his name off the appropriate register;
 - (iv) ordering the person to pay a fine as may be specified in the direction; or
 - (v) ordering the Registrar to remove from the register of premises, any premises entered in the register of premises, at which the pharmacy practice in question is carried out by a registered person, where applicable.
- (2) The tribunal may defer its decision under subsection (1) of this section provided, that -
- (a) no decision shall be deferred for more than an aggregate period of three months; and
 - (b) a member of the tribunal shall not sit for the purpose of reaching a decision which has been deferred unless he was present when the decision to defer was taken.
- (3) Where the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause a notice of the direction to be served on the person to whom it relates.
- (4) A person to whom a direction under subsection (1) of this section relates may, at any time within thirty days from the date of service on him of the notice of direction, appeal against the direction to the Court of Appeal and the tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given by the Court of Appeal as to the costs of the appeal and of proceedings before the tribunal, the tribunal shall be considered to be a party to the appeal, whether or not it appears on the hearing of the appeal.
- (5) A direction of the tribunal under subsection (1) of this section shall take effect -
- (a) where no appeal under subsection (5) of this section is brought against the direction within the time limit for such an appeal, on the expiration of that time;

- (b) where an appeal under subsection (5) of this section is brought against the direction, but it is withdrawn or struck out for want of prosecution, from the date of the withdrawal or striking out of the appeal; or
 - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed.
- (6) A person whose name is struck out of any register kept under this Bill or suspended from practice in pursuance of a direction of the tribunal shall not be entitled to be re-registered in that register or reinstated to practice, except in pursuance of a direction given by the Tribunal or the Appellate Court.
- (7) A Pharmacist who in respect of any year practices the profession without paying his annual practicing fee commits a misconduct and shall be liable
- (a) in the case of a first offender, to a fine of twice the prescribed practicing fee;
 - (b) in the case of a second or subsequent offender, to a fine of not less than ten times the prescribed practicing fees, and if the Pharmacist is in the employment of any person, the employer shall be guilty of an offence punishable in the like manner as the Pharmacist where it is proved that the Pharmacist's failure to pay the prescribed fees was with the knowledge, consent or connivance of the employer.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 48 do stand part of the Bill, put and agreed to.

Clause 49: When a Person shall be Treated as Convicted.

For the purposes of section 48(1) (b) of this Bill, a person shall not be treated as convicted unless as at the time the conviction is subsisting, the time stipulated for appeal has lapsed and no appeal is pending in an appellate court.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 49 do stand part of the Bill, put and agreed to.

Clause 50: When a Person is Deemed to Practice as a Pharmacist.

For the purpose of this Bill, a person shall be considered to practice as a pharmacist if he-

- (a) engages himself in the practice of pharmacy or holds himself out to the public as a pharmacist;
- (b) renders professional service or assistance in or about matters of principle or detail relating to pharmacy; or
- (c) renders any other service which may, by regulations made by the Council, be designated as service constituting practice as a licensed pharmacist.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 50 do stand part of the Bill, put and agreed to.

Clause 51: The Jurisdiction of the Disciplinary Tribunal.

Criminal proceedings shall not oust the jurisdiction of the Disciplinary Tribunal from determining any case of misconduct or infamous conduct in a professional respect.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 51 do stand part of the Bill, put and agreed to.

PART X — OFFENCES AND PENALTIES**Clause 52: General Offences.**

- (1) Any person who knowingly makes a false statement for the purpose of procuring the registration of any name, premises, qualification or any other matter under this Bill, commits an offence.
- (2) A person who is not a registered pharmacist, an intern-pharmacist, pharmacy technician, satellite medicines facilities, vendor or pharmaceutical representative under this Bill, but practices as such or holds himself out as being so registered and entitled to practice in that capacity whether for reward or not, or takes or uses any name, title, addition or description implying that he is so registered and authorized by law to so practice, commits an offence under this Bill.
- (3) A person convicted of any offence under this section is liable on—
 - (a) conviction in the case of subsection (1) of this section, to a fine of not less than N500,000.00 or to a term of imprisonment not exceeding one year or to both; or
 - (b) conviction in the case of subsection (2) of this section, to a fine of not less than N1,000,000.00 or to a term of imprisonment not exceeding two years, or to both.
- (4) A body corporate that violates the provisions of this section commits an offence and is liable on—
 - (a) conviction in the case of subsection (1) of this section, to a fine of not less than N2,000,000.00 and the directors or principal officers of the body corporate shall be liable to a fine of not less than N250,000.00 or to a term of imprisonment not exceeding two years or to both; or
 - (b) conviction in the case of subsection (2) of this section, to a fine of not less than N5,000,000.00 and the directors or principal officers of the body corporate shall be liable to a fine of not less than N500,000.00 or to a term of imprisonment not exceeding three years or to both.
- (5) Where an offence under this Bill which has been committed by a body corporate is proved to have been committed with the consent, connivance or collusion of or to be attributable to any neglect on the part of a director, manager, secretary or any other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) In relation to a body corporate carrying on pharmacy business, subsection (4) of this section shall have effect as to a person who not being an officer of the body corporate at the time of the commission of the offence—
 - (a) is the superintendent pharmacist; or

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

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 52 do stand part of the Bill, put and agreed to.

Clause 53: Obstruction of a Pharmaceutical Inspection Officer and Breaking of Seal.

Any person who —

- (a) obstructs, resists, or attempts to obstruct or resist a Pharmaceutical Inspection Officer in the execution of his duty under this Bill;
- (b) makes any statement to a Pharmaceutical Inspection Officer in the course of his duties which that person knows or has reasonable cause to believe to be false or misleading; or
- (c) without the authority of the Pharmaceutical Inspection Officer removes, alters or interferes in anyway with any article seized under this Bill, or
- (d) breaks the Council's seal or lock, commits an offence and is liable on conviction to a fine of N2,000,000.00 or to a term of two years imprisonment or to both.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 53 do stand part of the Bill, put and agreed to.

Clause 54: Operating a Pharmacy without Registration.

- (1) Any person or body corporate that owns, operates, maintains, establishes or has charge of either alone or with another person or persons, a pharmacy which is not registered under the provisions of this Bill, commits an offence and is liable on conviction to a fine of N2,500, 000.00 or two years imprisonment or both.
- (2) Any person or body corporate that owns, operates, maintains, establishes or has charge of, either alone or with another person or persons, a pharmacy in which a person not licensed as a pharmacist or not registered as an intern pharmacist or in which an intern pharmacist who is not acting under the direct and immediate personal supervision of a licensed pharmacist fills, compounds, or dispenses any prescription or dispenses medicines, drugs or poison commits an offence and is liable on conviction to a fine of N2,500,000.00 or two years imprisonment or both.
- (3) Any person or body corporate that owns, operates, maintains, establishes or has charge of either alone or with another person or persons a Satellite Medicine Facilities outlet or Patent and Patent Medicines Vendors Shop which is not registered under the provisions of this Bill commits an offence and is liable on conviction to a fine of N500,000.00 or to a term of imprisonment not less than 6 months or both.

- (4) Any person who knowingly and with intent to defraud —
 - (a) makes a false or fraudulent claim, either for himself or another person, in any application, affidavit or statement presented to the Council or any proceeding before the Council; or
 - (b) fills, compounds or dispenses prescriptions or medicines without holding a valid licence as a pharmacist or not registered as an intern Pharmacist or is an intern not acting under the direct and immediate personal supervision of a licensed pharmacist; commits an offence and is liable on conviction to a fine of N250,000.00 or one year imprisonment or both.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 54 do stand part of the Bill, put and agreed to.

Clause 55: General Penalty.

- (1) Any person who commits an offence under this Bill for which no specific penalty is provided is liable on conviction to a fine of not less than N500,000.00 or to a term of two years imprisonment or both.
- (2) A body corporate that commits an offence under this Bill for which no specific penalty is provided is liable on conviction to a fine of not less than N2,000,000.00.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 55 do stand part of the Bill, put and agreed to.

Clause 56: Arrest, Investigation and Prosecution of Criminal Cases.

Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Administration of Criminal Justice Act, a Police officer or other relevant law enforcement agencies shall have power under this Bill to —

- (a) arrest and investigate offenders; or
- (b) prosecute cases.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: Seizure.

- (1) Any medicines, drugs, poisons or other articles sold, offered for sale, stocked or dispensed in violation of any provisions of this Bill may be seized by the Council.
- (2) Whenever Medicines, drugs, poisons or other articles are seized under any of the provisions of this Bill, the Council may —
 - (a) place the Medicines, drugs, poisons or other articles under seal; or
 - (b) remove the Medicines, drugs, poisons or other articles to a place designated by the Council.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 57 do stand part of the Bill, put and agreed to.

Clause 58: Forfeiture of Drugs, Medicines, Poisons etc.

- (1) Medicines, drugs, poisons or other articles seized under this Bill shall be forfeited to the Federal Government of Nigeria and shall be free of any encumbrances.
- (2) Any drug, medicine, poison or other articles seized by the Council in accordance with the provisions of this Bill shall be forfeited to the Federal Government and shall be dealt with in such manner as the Minister may, from time to time determine.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 58 do stand part of the Bill, put and agreed to.

PART X1 — ETHICAL AND DANGEROUS DRUGS**Clause 59: Supply of Ethical or Dangerous Drugs.**

- (1) No ethical drugs shall be supplied, sold, offered to be sold or dispensed by any person unless under the direct supervision of a licensed pharmacist.
- (2) No person shall supply, sell or dispense dangerous drugs unless —
 - (a) he is a licensed pharmacist;
 - (b) the drug is in a container of the prescribed description; and
 - (c) the container bears a label indicating the prescribed particulars of its contents.
- (3) Where a drug is supplied on prescription, the supplier of the drug shall—
 - (a) enter on the prescription in indelible writing, the —
 - (i) date on which the drug is supplied, and
 - (ii) name and address of the supplier; and
 - (b) if the drug is fully dispensed, make entry in a manner as to be readily available for inspection.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 59 do stand part of the Bill, put and agreed to.

Clause 60: Dangerous Drugs Record.

- (1) A person who supplies dangerous drugs shall keep on the premises from where he supplied the drugs, a book of the prescribed description to be known as the "Dangerous Drugs Record"
- (2) Before a person supplies dangerous drugs, he shall record in the Dangerous Drugs Record the—
 - (a) name and quantity of the drug to be supplied;

- (b) name, and address, signature or thumb print of the person to whom it is supplied;
- (c) signature of the person who supplied the drug; and
- (d) date of supply.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 60 do stand part of the Bill, put and agreed to.

Clause 61: Control of Dispensing of Dangerous Drugs.

A pharmacist shall not dispense dangerous drugs, except under a prescription issued by a licensed medical practitioner, dentist or veterinary practitioner.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 61 do stand part of the Bill, put and agreed to.

Clause 62: Preparation of Restricted Drugs.

- (1) A person shall not mix, compound, prepare or supply restricted drug unless that person is a registered pharmacist or a licensed company under the supervision of a pharmacist.
- (2) The provisions of subsection (1) of this section shall not apply to the mixing, compounding or preparing of a dangerous drug by a student under the supervision of a pharmacist.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 62 do stand part of the Bill, put and agreed to.

PART X11 — MISCELLANEOUS

Clause 63: Jurisdiction.

The Federal High Court shall have the jurisdiction to hear and determine criminal and civil matters under this Bill.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 63 do stand part of the Bill, put and agreed to.

Clause 64: Regulations, Rules and Guidelines.

- (1) The Council may, with the approval of the Minister, make regulations, rules and guidelines as may be required to give effect to the provisions of this Bill.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Council may make rules, guidelines and regulations for the purpose of —
 - (a) ensuring the ethical sales, dispensing, distribution, importation, exportation, compounding, warehousing, manufacture of drugs, medicines, drugs and poisons, operations of pharmacy technicians, medicine vendors and such other persons as may be approved by the Council;

- (b) training of pharmacists, pharmacy technicians and Patent medicines vendors;
 - (c) supervision and regulation of the engagement, training and transfer of such persons;
 - (d) prescribing the type of licence to be issued annually under this Bill to a person to practice as an intern pharmacist or pharmacy technician and operating premises; or, where the Council considers fit, for the annual renewal of the licence to be done by endorsement of the renewal on an existing licence;
 - (e) restricting the right of practice as a pharmacist or operating a premises where there is a default of payment of the amount of the annual subscription and the default continues for longer than such period as may be prescribed by the rules;
 - (f) restricting the right of practice as a pharmacist where the qualification granted outside Nigeria does not entitle the holder to practice as a pharmacist in Nigeria;
 - (g) prescribing the form and manner of the inspection of premises where medicines, pharmaceutical raw materials are kept, stored, sold or manufactured;
 - (h) reviewing all categories of pharmacy practice from time to time;
 - (i) prescribing the procedure for maintaining and filing with the Council within two months of the publication of the result of the final examination conducted by a School of Health Technology or any other Institution approved by the Council for persons seeking to qualify as pharmacy technician including the list of the candidates who are successful at the examination;
 - (j) regulating all forms of manufacturing, compounding, storage, sale, dispensing, distribution, importation or exportation of drugs, poisons, medicines, herbal medicines, food supplements, nutraceuticals, veterinary drugs and pharmaceuticals or by whatever name described;
 - (k) prescribing the requirement of re-certification as a condition for the retention of the name of registered Pharmacists, Pharmacy Technicians and Medicine Vendors in the register or conditions for renewal of the practicing license of a registered pharmacist, Pharmacy Technicians and Medicine Vendors; or
 - (l) supervision and regulation of Pharmacy Technicians and restriction of the work of any Pharmacy Technician in default where such defaults continue longer than that prescribed by the rules.
- (3) The power to make regulations, rules and guidelines under subsections (1) and (2) of this section shall not be exercised in the absence of the Council.
- (4) Any Regulation, rule or guideline made under this Bill shall be published in the Gazette.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 64 do stand part of the Bill, put and agreed to.

Clause 65: Duty of Deans to Furnish Registrar Details of Pharmacy Students in Training.

It shall be the duty of the dean of each faculty of pharmacy approved by Council in any University in Nigeria to furnish to the Registrar—

- (i) not later than 31st of march in every year a list of the names and such other particulars as the Council may by order specifying of all persons who are registered as pharmacy students in that faculty during the academic session;
- (ii) with the list of candidates successful at the final pharmacy degree examination immediately after the release of the result.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 65 do stand part of the Bill, put and agreed to.

Clause 66: Pre-action Notice.

- (1) No suit shall be commenced against the Council before the expiration of a period of one -month after a written notice of intention to commence the suit had been served on the Council by the intending plaintiff or his agent and the notice shall clearly state the —
 - (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the intending plaintiff; and
 - (d) relief which he claims.
- (2) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorized to be served on the Council under this Bill or any other law, may be served by—
 - (a) delivering it to the abode of the intending plaintiff; and the relief while Registrar; or
 - (b) sending it by registered post addressed to the Registrar at the Head Office of the Council.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 66 do stand part of the Bill, put and agreed to.

Clause 67: Restriction on Execution against Property of the Council.

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

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 67 do stand part of the Bill, put and agreed to.

Clause 68: Indemnity of Officers of the Council.

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

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 68 do stand part of the Bill, put and agreed to.

Clause 69: Repeal and Savings.

- (1) The Pharmacists Council of Nigeria Act, Cap P17, Laws of the Federation of Nigeria, 2004, (in this Act referred to as "the repealed Act") is repealed.
- (2) Notwithstanding the provisions of subsection (1) of this section —
 - (a) any person who is registered and all regulations and amendments made under the repealed Act shall be deemed to have been made under this Bill;
 - (b) any register kept in pursuance of the repealed Act shall be deemed to be part of the register kept under this Bill;
 - (c) any document referring to the provisions of the former Acts shall be construed as referring to the corresponding provisions of this Bill;
 - (d) any direction, orders and appointments lawfully given, made or other acts done under the repealed Act and in force immediately before the commencement of this Bill, shall be deemed to have been given, made or done under this Bill and shall have effect accordingly;
 - (e) any person who immediately before the commencement of this Bill held appointment as an employee of the Council shall on the commencement of this Bill be deemed to have been deployed to the Council as an employee without further assurance; and
 - (f) all property held by or on behalf of the Council immediately before the commencement of this Bill, shall on the commencement of this Bill be deemed to have been vested in the Council without further assurance.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 69 do stand part of the Bill, put and agreed to.

Clause 70: Adaptation of the Poisons and Pharmacy Act.

- (1) The Poisons and Pharmacy Act, Cap 535, Laws of the Federation of Nigeria, 1990 shall be read with such modifications as are necessary to bring it into conformity with the provisions of this Bill.
- (2) Where the provisions of the Poisons and Pharmacy Act are inconsistent with the provisions of this Bill, the provisions of this Act shall prevail and the provisions of the Poisons and Pharmacy Act shall to the extent of the inconsistency be void in relation to matters provided for under this Bill.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 70 do stand part of the Bill, put and agreed to.

Clause 71: Interpretation.

In this Bill —

"Approved" means approved by the Council;

"Article" includes—

- (a) any drug, poison, medicine or medical consumables;
- (b) anything used for the manufacture, preparation, preservation, packaging or storing of any drug poison or medical device;
- (c) any labeling or advertising material relating to or for use in connection with any drug, poison or medical device;
- (d) records and books required to be kept under this Bill; or
- (e) electronic records, receipts, invoices and other relevant documents;

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

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

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

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

"Council" means the Pharmacy Council of Nigeria established under section 1 of this Bill;

"Court" means the Federal High Court;

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

"Disciplinary Tribunal" means the Pharmacy Council of Nigeria Disciplinary Tribunal established under this Bill;

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

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

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

- (a) the diagnosis, treatment, mitigation or prevention of any disease disorder, abnormal physical state, or the symptoms thereof, in man or in animals;
- (b) restoring, correcting or modifying organic functions in man or in animals;
- (c) disinfection, or the control of vermin, insects or pests, or
- (d) contraception.

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

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

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

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

"Fees" include annual subscription, practicing fee, registration fees, renewal fees, inspection fees;

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

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

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

"Investigating Panel" means the Pharmacy Council of Nigeria Investigating Panel established under this Bill;

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

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

"Members" mean persons with full registration status with Pharmacy Council of Nigeria (PCN).

"Minister" means the Federal Minister charged with the responsibility for matters relating to Health.

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

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

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

"Pharmacy Technician", means a person who has undergone a course of training for Pharmacy Technicians in a School of Health Technology or any other institution approved by the Council, is duly registered and issued with an annual permit by the Council as a Pharmacy Technician Pharmacist.

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

"Pharmaceutical Inspection Officer" also known as "Pharmaceutical Inspector" or

"Inspector" refers to a registered pharmacist appointed or engaged by the Pharmacy Council of Nigeria to carry out inspection on premises where pharmaceutical activities, operations and businesses are carried out;

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

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

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

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

"Poison" includes substances whether natural or synthetic, mixed with other ingredients or not, and whatever restrictions under the provisions of this Bill are placed on any particular poison shall apply to it whether it is unmixed or is contained as an ingredient in some preparation, unless it is contained in one of the preparations specifically exempted from such provisions;

"POM" Prescription only Medicines, these are medicines which can only be obtained by the general public if they are in possession of a valid prescription;

"Practicing fee" means payment made by registered members of the profession to Council;

"Premises" refers to a place approved and registered by the Council for any of the following purposes of dispensing, selling, distribution, storage, stocking, retailing, wholesale, manufacturing, importation, exportation of drugs and poisons, herbal and dietary supplements, scientific offices or any other form of pharmaceutical activities;

"Prescribed" means prescribed by the regulations;

"President" means President and Commander-in-Chief of the Federal Republic of Nigeria

"Profession" means Pharmacy Profession;

"Provisional Members" persons with provisional registration status with Pharmacists Council of Nigeria (PCN) and this include non-Nigerians and Nigerian citizens undergoing internship programmes;

"Register" means any register maintained or required to be maintained in accordance with the provisions of this Bill;

"Registrar" means the Registrar appointed under the provisions of this Bill;

"Regulation" means rules and regulations made under this Bill;

"Restricted Drugs" these are controlled and psychotropic substances as well as any drug to which the provisions of Dangerous Drugs Act apply;

"Retention Fees" are annual fees paid for the retention of names of persons or premises in their respective registers;

"Satellite Medicine Facility" is a retail medicine facility established through an arrangement with a registered community pharmacy of not less than 5 years of existence in Nigeria, for the sole purpose of improving access to quality, safe, efficacious and affordable Pharmaceutical products and services in underserved communities and other areas the Council deems necessary;

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

"Society" means the Pharmaceutical Society of Nigeria;

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

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 71 do stand part of the Bill, put and agreed to.

Clause 72: Short Title.

This Bill may be cited as the Pharmacy Council of Nigeria (Establishment, Etc.) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 72 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Council

1. (1) Subject to the provisions of this Bill, the Council may make standing orders regulating its proceedings or any of its committees thereof.
- (2) Questions for determinations shall be decided by a majority of the members present and voting thereon and, in the event of equality of votes, the chairman, shall have a second or casting vote.
- (3) Standing orders made for a committee shall provide for the committee to report to the Council on any matter referred to it by the Council.
- (4) The quorum of the Council shall be one-third of the members of the Council and the quorum of a committee of the Council shall be fixed by the Council.
- (5) The Council may invite any person to attend and participate at any of its meetings provided that a person so co-opted shall only be in attendance and shall not count towards the quorum or vote at the meeting.

Meetings of the Council

2. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman, and if the chairman is requested to do so, by notice in writing given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman shall preside or in his absence, the members present at the meeting, shall appoint one of their members to preside.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at the meeting and shall not count towards the quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the inaugural meeting of the Council shall be summoned by the Minister.

Committees

3. (1) The Council may appoint one or more committees to carry out on behalf of the Council such functions as the Council may determine.
- (2) A Committee appointed under this paragraph shall consist of the number of persons determined by the Council of whom not more than two thirds may be persons who are not members of the Council.
- (3) A person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.
- (4) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

4. (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman, the Registrar or any other members of the Council authorized generally or specially by the council to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be sealed, may be made or executed on behalf of the Council, by any person generally or specially authorized by the Act, for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (4) The validity of any proceedings of the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership of the Council or by any defect in the appointment of a member of the Council or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.
- (5) Any member of the Council and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall disclose his interest, and shall not vote on any question relating to the contract or arrangement.
- (6) A person shall not by reason only of his membership of the Council be treated as holding an office in the public service of the Federation.

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

*SECOND SCHEDULE**SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND
INVESTIGATING PANEL**The Disciplinary Tribunal*

1. The quorum of the Disciplinary Tribunal shall be five members.
2. The Attorney General of the Federation shall —
 - (a) appoint an assessor to the Tribunal for the purpose of any proceeding before the Disciplinary Tribunal; and
 - (b) make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding, the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
3. The Rules made pursuant to paragraph 3 of this Schedule shall in particular provide —
 - (a) for securing that notice of the proceedings shall be given in such time and manner, as may be specified by the rules to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;
 - (d) for securing that any part to the proceedings may be represented by a legal practitioner;
 - (e) for determining the costs of proceedings before the Disciplinary Tribunal.
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
 - (g) for publishing in the Gazette notice of any direction of the Disciplinary Tribunal which has taken effect providing that a person's name shall be struck off a register.
4. For the purpose of any proceedings before the Disciplinary Tribunal, any member of the Disciplinary Tribunal may administer oath and any party to the proceedings may issue out of the registry of the Federal High Court writs of suprema ad testificandum and ducestecum but no person appearing before the Disciplinary Tribunal shall be compelled to —
- (a) make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
5. For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than ten years standing.
6. The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing that —
- (a) where an assessor advises the disciplinary tribunal on any question of law as to evidence, procedure or any other matters specified by rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered; and
 - (b) every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid.

Investigating Panel

7. The quorum of the Investigating Panel shall be three all of whom shall be pharmacists.
8. The Investigating Panel may, at any of its meeting attended by all the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.
9. Subject to the provisions for any such standing orders, the Investigating Panel may regulate its own procedure.

Miscellaneous

10. A person ceasing to be a member of the Disciplinary Tribunal or the Investigating Panel shall be eligible for appointment as a member of that body.
11. A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating Panel; but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
12. The Disciplinary Tribunal or the Investigating Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of member of that body by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
13. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.
14. Any expenses of the Disciplinary Tribunal or Investigating Panel shall be defrayed by the Council.
15. A person shall not by reason of his appointment as an assessor to the Disciplinary Tribunal, be treated as holding an office in the Public Service of the Federation.

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered a Bill for An Act to Establish National Pharmacy Council of Nigeria and for Related Matters, 2018 and approved as follows:

Clauses 1- 72 — As Recommended

Schedules 1 & 2 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Deputy Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 13th March, 2018 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 12:45 p.m.

Ike Ekweremadu, CFR
Deputy Senate President,
Senate of the Federal Republic of Nigeria.

