



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 4th May, 2021

1. The Senate met at 10:48 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 28th April, 2021.
Question was put and the Votes and Proceedings were approved.
3. **Announcements:**
 - (a) **Briefing by the Service Chiefs and Heads of Security Agencies:**
The President of the Senate announced that the Security briefing by the Service Chiefs and Heads of Security Agencies earlier slated for Tuesday, 4th May, 2021 has been shifted to Thursday, 6th May, 2021 due to the on-going National Security Council meeting at the Presidential Villa. He enjoined Senators to attend the briefing due to its importance.
 - (b) **Caucus Meeting:**
The President of the Senate read a letter from Senator Enyinnaya H. Abaribe — (Abia South) as follows:



His Excellency
Senator Enyinnaya H. Abaribe
ABIA SOUTH SENATORIAL DISTRICT

*Senator Dr. Ahmad Ibrahim Lawan,
President of the Senate,
Federal Republic of Nigeria,
National Assembly Complex,
Abuja.*

4th May, 2021

NOTICE OF EMERGENCY JOINT CAUCUS MEETING

All members of the Peoples' Democratic Party (PDP) Senate Caucus are invited to a Joint meeting with the PDP Caucus of the House of Representatives.

*Date: 4th May, 2021
Time: 2pm (Immediately after plenary)
Venue: Hearing Room 1, White House*

*(Signed)
Senator Enyinnaya H. Abaribe
Minority Leader*

(c) VACCINATION:

The President of the Senate read a letter from Senator Chukwuka G. Utazi — (*Enugu North*) as follows:



Senator Chukwuka G. Utazi
ENUGU NORTH SENATORIAL DISTRICT

4th May, 2021

The President of the Senate
Senate Chamber

COVID-19 VACCINATION

This is to inform all Distinguished Senators that are yet to take the first Jab of the COVID-19 vaccine, that the vaccination is ongoing in Meeting Room 430 Senate New Building.

Distinguished Senators are urged to visit the venue from 9am - 4pm daily to get vaccinated.

(Signed)

Senator Chukwuka G. Utazi

*Chairman, Senate Committee on Primary Healthcare
and Communicable Diseases*

4. Petitions:

- (i) Rising on Order 41, Senator Abba P. Moro (*Benue South*) drew the attention of the Senate to a petition from his constituent, Mr. James Oche, over the lingering crisis between Ezza and Effium people of Ohaukwu Local Government of Ebonyi State that led to the gruesome murder of the people of Ado Local Government Area of Benue State. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 41(3)] to report within four (4) weeks.

- (ii) Rising on Order 41, Senator Biobaraku W. Degi-Eremieyo (*Bayelsa East*) drew the attention of the Senate to a petition by his constituent, Mr. Ballantyne I. Agiri, against the Niger Delta Development Commission (NDDC) over his indefinite suspension. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 41(3)] to report within four (4) weeks.

5. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Uche L. Ekwunife (*Anambra Central*) drew the attention of the Senate to a fire disaster that happened at motor spare parts market Nkpor, Anambra State, on 26th April, 2021. She sought and obtained the leave of the Senate to present the matter forthwith:

The Senate notes with utmost concern that on Sunday, 26th April, 2021 a big fire erupted at the popular Motor Spare Parts Nkpor, Anambra State destroying properties and goods estimated at Billions of Naira;

further notes that Nkpor motor spare parts market is one of the largest Automotive Spare Parts Market in Nigeria and is located at Nkpor, Idemili North LGA, Anambra Central Senatorial District and the fire disaster razed properties, motor spare parts, cash and other valuables;

also notes that the fire started on a Sunday, a time the traders were at home and could not do much to save the situation;

aware that fire disaster had become very frequent in the nation's markets and most markets do not have fire fighting equipment and traders do not create spaces in between shop buildings to allow access for fire fighting vehicles to drive in;

worried that the fire had created lots of hardship due to cash losses incurred by the traders posing great challenge to security and social stability of the commercial cities of Nkpor and its environs;

observes that it is the constitutional responsibility of the Federal Government to come to the rescue of the traders; who are mainly tax payers to reduce the heavy financial burden caused by this disaster which had made them helpless and halted their economic activities; and

concerned that the extent of loss of goods, cash proceeds and valuable properties calls for urgent National intervention by the Federal Government, that if not attended to will lead to hopelessness and loss of confidence in government.

The Senate accordingly resolves to:

- (i) urge the National Emergency Management Agency (NEMA) to immediately provide relief materials to the traders and residents affected; and
- (ii) urge the Minister of Humanitarian Affairs and Disaster Management to provide cash incentives to the traders who have suffered huge cash loss due to the fire disaster;

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the National Emergency Management Agency (NEMA) to immediately provide relief materials to the traders and residents affected — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Minister of Humanitarian Affairs and Disaster Management to provide cash incentives to the traders who have suffered huge cash loss due to the fire disaster — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“urge all State Governments and Anambra State in particular to strengthen the State Fire Service with the latest fire fighting equipment and provide support to the victims” (*Senator Ovie A. Omo-Agege — Delta Central*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) urge the National Emergency Management Agency (NEMA) to immediately provide relief materials to the traders and residents affected;
- (ii) urge the Minister of Humanitarian Affairs and Disaster Management to provide cash incentives to the traders who have suffered huge cash loss due to the fire disaster; and
- (iii) urge all State Governments and Anambra State in particular to strengthen the State Fire Service with the latest fire fighting equipment and provide support to the victims (*S/Res/100/02/21*).

6. Presentation of Bills:

- (i) Legislative Houses (Powers and Privileges) Act 2017 (Amendment) Bill, 2021 (HB. 250) — *Read the First Time.*
- (ii) National Primary Health Care Development Agency Act Cap N69 LFN 2004 (Amendment) Bill, 2021 (HB. 39) — *Read the First Time.*
- (iii) National Broadcasting Commission Act Cap N11 LFN 2004 (Amendment) Bill, 2021 (SB. 374) — *Read the First Time.*
- (iv) Copyright Act Cap C28 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (SB. 688) — *Read the First Time.*
- (v) Nigeria Special Zones Authority (Establishment) Bill, 2021 (SB. 707) — *Read the First Time.*

7. Chartered Institute of Directors of Nigeria (Establishment) Bill, 2021 (SB. 495):

Motion made: That a Bill for an Act to Establish the Chartered Institute of Directors of Nigeria to serve as a regulatory body for persons serving as Directors in both public and private sectors, to determine the standards of knowledge and skills to be attained by persons seeking to become Directors, to make provision for continuous training and development of the Directors, to ensure professionalism and promote corporate governance values by Directors and for Related Matters, 2021 be read the Second Time (*Senator Yahaya A. Abdullahi — Kebbi North*).

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Establishment and Public Service Matters to report within two (2) weeks.

8. Labour Institutions (Establishment) Bill, 2021 (SB. 250):

Motion made: That a Bill for an Act to Establish the National Commission for Conciliation and Arbitration, National Labour Council, the Office of the Registrar of Trade Unions, etc to administer the provisions of laws in Nigeria and for Matters Connected Therewith, 2021 be read the Second Time (*Senator Sadiq S. Umar — Kwara North*).

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Employment, Labour and Productivity to report within four (4) weeks.

9. Federal College of Education Gwoza, Borno State (Establishment) Bill, 2021 (SB. 342):

Motion made: That a Bill for an Act to provide for the establishment of the Federal College of Education Gwoza, Borno State and for Other Matters Connected Therewith, 2021 be read the Second Time (*Senator Mohammed A. Ndume (Borno South)*).

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.

10. **Motion:*****Urgent need to provide Special Presidential Interventions for Persons Living with Disabilities in Nigeria.***

The Senate:

notes that disability is a long term physical, mental, intellectual and sensory impairment in interaction with various barriers and this may hinder full and effective participation in society on an equal basis with others;

further notes that disability may not be necessarily a birth defect, one may live a normal and healthy life today and in the next minutes you are disabled. God finishes our creation the very day we depart this world. No one is immune to disability;

commends the efforts of President Muhammadu Buhari, GCFR for finding it worthy to sign the Discrimination against Persons with Disability (Prohibition) Act, 2018, and further establish the National Commission for Persons with Disabilities as a fulfilment of one of his campaign promises. This is a product of the 8th Senate to which many of us here participated;

concerned that according to the World Health Organization (WHO) in 2018, about 29 million of the 195 million people who comprise the Nigerian National population were people with disability and coupled with the recent reality on the activities of insurgency, banditry, indiscriminate mining activities and pollution from the explorations of hydrocarbon resources (Oil Spills) particularly causing children to be born with deformities in the Niger-Delta Region. The recurrent accidents recorded on our roads and other related social ills have made Nigeria to witness a surge in the communities of people with disabilities and they are gradually becoming a strong political constituency who in the nearest future can determine the future leadership of Nigeria;

worried that the increase of our men and women in the front line of duties in fighting for the unity and survival of our nation has increased the transition into the communities of people living with disability;

disturbed that the effects of COVID-19 and above mentioned issues on people living with disabilities have further exposed the underline inequalities and discriminatory practice faced by people living with disabilities in our country thereby leading to increase in poverty; and

further disturbed that despite the various laudable interventions such as N-Power, Presidential Youth Empowerment Scheme (P-YES), Conditional Cash Transfer, Special Public Works (SPW) etc. by the Federal Government in reducing poverty and cushioning the effect of COVID-19, the community of the people living with disabilities have not felt the impact because of the unfriendly conditions attached to the process.

The Senate accordingly resolves to:

- (i) urge the President, Commander in Chief of the Armed Forces of the Federation to provide a five-year post COVID-19 special intervention programme in areas of:
 - Mass distribution of Assistive devices to include wheelchairs, prosthesis and orthotics, hearing aids, crutches, braille machines, special computers, skin protectors etc. These will ensure:
 - a. Access to education;
 - b. Independent living for our people; and
 - c. Effective inclusion and participation in development activities;

- Design and construction of accessibility facilities in all Federal Government institutions, city roads, pedestrian walkways and public facilities. This includes airports, railway stations, motor parks, schools, universities etc;
- Revitalisation of all rehabilitation facilities and special schools in the six geo-political zones across the country:
 - a. These facilities established many years are presently a ghost of themselves. Some zones completely do not have;
 - b. Procurement and distribution of adequate learning equipment and materials; and
 - c. Mass empowerment and employment opportunities in the public and private sectors, skills acquisition in agro-allied services, business development, metal fabrication etc, and CBN through NIRSAL to provide starter packs:
 - Provision of Community based rehabilitation services across the country, and recruitment of clinical service providers in all polling units who shall provide adequate rehabilitation diagnosis, administer assistive devices, make referral services and manage disability complications;
- (ii) urge all Ministries, Department and Agencies (MDAs) to provide at least 10% of their projects and programs for persons with disabilities through the National Commission for Persons with Disabilities;
- (iii) urge the Central Bank of Nigeria (CBN) through the NIRSAL Micro Finance Bank to provide Special Loan facilities to Persons with Disabilities through the National Commission for Persons with Disabilities;
- (iv) urge the security agencies to ensure that in an event where personnel become disabled in the course of discharging their official assignment, the Security Agency should retain and convert the affected personnel to less demanding task than retiring them, while the National Commission for Persons with Disabilities shall provide the affected personnel with the assistive device; and
- (v) urge the National Commission for Persons with Disabilities under the supervision of the Ministry for Humanitarian Affairs, Disaster Management and Social Development to implement this Senate resolution (*Senator Abubakar Y. Yusuf — Taraba Central*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the President, Commander in Chief of the Armed Forces of the Federation to provide a five-year post COVID-19 special intervention programme in areas of:

- Mass distribution of Assistive devices to include wheelchairs, prosthesis and orthotics, hearing aids, crutches, Braille machines, special computers, skin protectors etc. These will ensure:
 - a. Access to education;
 - b. Independent living for our people; and
 - c. Facilitate effective inclusion and participation in development activities;
- Design and construction of accessibility facilities in all Federal Government institutions, city roads, pedestrian walkways and public facilities. This includes airports, railway stations, motor parks, schools, universities etc;

- Revitalisation of all rehabilitation facilities and special schools in the six geo-political zones across the country:
 - a. These facilities established many years are presently a ghost of themselves. Some zones completely do not have;
 - b. Procurement and distribution of adequate learning equipment's and materials; and
 - c. Mass empowerment and employment opportunities in the public and private sectors, skills acquisition in agro-allied services, business development, metal fabrication etc, and CBN through NIRSAL to provide starter packs:
 - Provision of Community based rehabilitation services across the country, and recruitment of clinical service providers in all polling units who shall provide adequate rehabilitation diagnosis, administer assistive devices, make referral services and manage disability complications — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge all Ministries, Department and Agencies (MDAs) to provide at least 10% of their projects and programs for persons with disabilities through the National Commission for Persons with Disabilities — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Central Bank of Nigeria (CBN) through the NIRSAL Micro Finance Bank to provide Special Loan facilities to Persons with Disabilities through the National Commission for Persons with Disabilities — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge the security agencies to ensure that in an event where personnel become disabled in the course of discharging their official assignment, the Security Agency should retain and convert the affected personnel to less demanding task than retiring them, while the National Commission for Persons with Disabilities shall provide the affected personnel with the assistive device — *Agreed to.*

Proposed Resolution (v):

Question: That the Senate do urge the National Commission for Persons with Disabilities under the supervision of the Ministry for Humanitarian Affairs, Disaster Management and Social Development to implement this Senate resolution — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“urge the Federal Civil Service Commission (FCSC) and Boards of Parastatals to give special consideration to Persons with Disability during recruitment exercise to give effect to the Legislative intent of the Discrimination against Persons with Disability (Prohibition etc Act, 2018)” (*Senator Aliyu S. Abdullahi — Niger North*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) urge the President, Commander in Chief of the Armed Forces of the Federation to provide a five-year post COVID-19 special intervention programme in areas of:
 - Mass distribution of Assistive devices to include wheelchairs, prosthesis and orthotics, hearing aids, crutches, Braille machines, special computers, skin protectors etc. These will ensure:
 - a. Access to education;
 - b. Independent living for our people; and

- c. Facilitate effective inclusion and participation in development activities;
 - Design and construction of accessibility facilities in all Federal Government institutions, city roads, pedestrian walkways and public facilities. This includes airports, railway stations, motor parks, schools, universities etc;
 - Revitalisation of all rehabilitation facilities and special schools in the six geo-political zones across the country:
 - a. These facilities established many years are presently a ghost of themselves. Some zones completely do not have;
 - b. Procurement and distribution of adequate learning equipment's and materials; and
 - c. Mass empowerment and employment opportunities in the public and private sectors, skills acquisition in agro-allied services, business development, metal fabrication etc, and CBN through NIRSAL to provide starter packs:
 - Provision of Community based rehabilitation services across the country, and recruitment of clinical service providers in all polling units who shall provide adequate rehabilitation diagnosis, administer assistive devices, make referral services and manage disability complications;
- (ii) urge all Ministries, Department and Agencies (MDAs) to provide at least 10% of their projects and programs for persons with disabilities through the National Commission for Persons with Disabilities;
- (iii) urge the Central Bank of Nigeria (CBN) through the NIRSAL Micro Finance Bank to provide Special Loan facilities to Persons with Disabilities through the National Commission for Persons with Disabilities;
- (iv) urge the security agencies to ensure that in an event where personnel become disabled in the course of discharging their official assignment, the Security Agency should retain and convert the affected personnel to less demanding task than retiring them, while the National Commission for Persons with Disabilities shall provide the affected personnel with the assistive device;
- (v) urge the National Commission for Persons with Disabilities under the supervision of the Ministry for Humanitarian Affairs, Disaster Management and Social Development to implement this Senate resolution; and
- (vi) urge the Federal Civil Service Commission (FCSC) and Boards of Parastatals to give special consideration to Persons with Disability during recruitment exercise to give effect to the Legislative intent of the Discrimination against Persons with Disability (Prohibition etc Act, 2018) (*S/Res/101/02/21*).

11. Orthopaedic Hospitals Management Board Act Cap O10 LFN 2004 (Amendment) Bill, 2021 (HB. 886) — Concurrence:

Motion made: That the a Bill for an Act to Amend the Orthopaedic Hospitals Management Board Act, Cap. O10 LFN 2004 to provide for the establishment of the Orthopaedic Hospital Jos, Plateau State; and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

Question put and agreed to.

Debate:

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 AMEND THE ORTHOPEDIC HOSPITALS MANAGEMENT BOARD ACT, CAP. O10 LAWS OF THE FEDERATION OF NIGERIA 2004, TO PROVIDE FOR THE ESTABLISHMENT OF THE ORTHOPEDIC HOSPITAL JOS, PLATEAU STATE; AND FOR RELATED MATTERS, 2021 (HB. 886).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE ORTHOPEDIC HOSPITALS MANAGEMENT BOARD ACT, CAP. O10 LAWS OF THE FEDERATION OF NIGERIA 2004, TO PROVIDE FOR THE ESTABLISHMENT OF THE ORTHOPEDIC HOSPITAL JOS, PLATEAU STATE; AND FOR RELATED MATTERS, 2021.

Clause 1: Amendment of the Principal Act.

The Orthopaedic Hospitals Management Board Act, Cap, O10 Laws of the Federation of Nigeria 2004 is amended as set out in 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: Amendment of the Second Schedule.

The Second Schedule to the Orthopaedic Hospitals Management Board Act is amended by inserting a new paragraph 4 as set out below:

"The Orthopaedic Hospital, Jos, Plateau".

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: Amendment of the Third Schedule.

The Third Schedule to the Orthopaedic Hospitals Management Board Act is amended by inserting a new paragraph 4 as set out below:

"The Orthopaedic Hospital, Jos, Plateau.

Affiliated Hospital

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: Citation.

This Bill may be cited as the Orthopaedic Hospitals Management Board Act (Amendment) Bill, 2021.

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.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered A Bill for an Act to Amend the Orthopaedic Hospitals Management Board Act, Cap. O10 Laws of the Federation of Nigeria 2004, to Provide for the Establishment of the Orthopaedic Hospital Jos, Plateau State; and for Related Matters, 2021 and approved as follows:

Clauses 1-4 — 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 (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. School of Mines and Geological Studies, Akoko-Edo, Edo State (Establishment) Bill, 2021 (HB. 441) — Concurrence:

Motion made: That a Bill for an Act to Establish the School of Mines and Geological Studies, Akoko-Edo, Edo State and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

Question put and agreed to.

Debate:

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 ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SCHOOL OF MINES AND GEOLOGICAL STUDIES AKOKO-EDO, EDO STATE AND FOR RELATED MATTERS, 2021 (HB. 441)

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SCHOOL OF MINES AND GEOLOGICAL STUDIES AKOKO-EDO, EDO STATE AND FOR RELATED MATTERS, 2021

PART 1- ESTABLISHMENT OF SCHOOL OF MINES AND GEOLOGY STUDIES**Clause 1: Establishment:**

- (1) There is established the School of Mines and Geological Studies (in this Bill referred to as "the School") which shall have such powers and exercise such functions as conferred on it by this Bill.

- (2) The School shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Committee's Recommendation:

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

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

Clause 2: Establishment of the Governing Council.

- (1) There is established for the School a Governing Council (in this Bill referred to as "the Council") which shall be responsible for the consideration and approval of:—
- (a) the plan of activities of the School;
 - (b) the programme of studies, courses, and research to be undertaken by the School;
 - (c) the annual budget estimates of the school; and
 - (d) the investment plans of the School.
- (2) The provisions of the Schedule to this Bill shall have effect with respect to the Council as specified therein.

Committee's Recommendation:

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

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

Clause 3: Membership of the Council of the school.

The Council shall consist of a Chairman and the other members, to be appointed by the Minister:—

- (a) The person responsible for tertiary education in the Federal Ministry of Education; a representative of a University/Polytechnic who in the case;
- (b) a representative of the alumni association of the School;
- (c) three persons appointed on individual merit on a nationwide basis who should have wide related experience of service in the public or private sector;
- (d) two representatives of the Academic Board of the School;
- (e) one representative of the National Board for Technical Education; and
- (f) the Provost of the School.

Committee's Recommendation:

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

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

Clause 4: Term of Office of Membership of the Council.

- (1) A member of the Council (other than an ex-officio member) shall hold office for a term of three years and be eligible for reappointment for a further period of three years.
- (2) The office of a member appointed under section 3 of this Bill shall become vacant if:—
 - (a) the member resigns his/her appointment by notice in writing under his hand, addressed to the Minister; or
 - (b) the Minister is satisfied that it is not in the interest of the School for the person appointed to continue in office and notifies the member in writing to that effect.

Committee's Recommendation:

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

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

Clause 5: Functions of the School.

The functions of the School shall be:—

- (a) to provide full-time courses in Mining and Geological Studies:—
 - (i) to serve as a home for research activities in all fields of Geology, Survey and Exploration, in such other fields of applied learning relevant to the needs of the development of Nigeria.;
 - (ii) research in the development and adaptation of techniques as the council may from time to time determine;
 - (iii) to train manpower for the mineral exploration, mining, processing and extraction industries.
- (b) to conduct courses in Mining and Geological Studies for miners;
- (c) to arrange conferences, seminars and workshops in relevant fields of learning; and
- (d) to perform such other functions as in the opinion of the Council may promote the objectives of the School.

Committee's Recommendation:

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

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

Clause 6: Powers of the Council.

The Council shall have powers to:—

- (a) hold examination and grant diploma, professional certificates and other distinctions to persons who have pursued a course of study approved and accredited by the National Board for Technical Education;
- (b) demand and receive from any student or any other person attending the School for the purpose of instruction such fees as the council may, with the prior approval of the Minister, from time to time determine;

- (c) hold public lectures and undertakes printing, publishing and selling;
- (d) provide amenities for the welfare of the staff of the School;
- (e) invest the surplus funds of the School on programmes that by law as may be approved by the Council; enter into such contracts as may be necessary or expedient for carrying into effect the objectives of the School;
- (f) recruit staff of the right caliber and determine the career structure of such staff;
- (g) establish and maintain such schools and other units within the school or extra-mural departments as the Council may, from time to time decide;
- (h) institute and award fellowships, medals, prizes and other titles;
- (i) mount exhibitions and display designs to foster appreciation of techniques and technology; erect, provide, equip and maintain such educational, recreational and residential facilities as the School may require;
- (j) create lectureships and other academic posts and offices to make appointments thereto;
- (k) encourage and make provision for research in the School and; do such things incidental to the foregoing powers as may advance the objects of the school.

Committee's Recommendation:

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

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

Clause 7: Visitation.

- (1) The Minister of Education shall be the visitor of the School.
- (2) The Visitor shall, not less than once in every two years, conduct a visitation of the School or appoint a visitation panel consisting of not less than five experts to conduct the visitation:—
 - (a) for the purpose of evaluating the academic and administrative performance of the School; or
 - (b) for such other purpose the Visitor may deem fit.

Committee's Recommendation:

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

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

Clause 8: The Academic Board and its Functions.

- (1) There shall be established for the School a board to be known as the Academic Board which shall consist of the following members:—
 - (a) the Provost of the School who shall be the Chairman;

- (b) the Deputy Provost, Deans of Departments, Professors Reader/ Chief Readers and the Registrar who shall be the Secretary;
 - (c) the School Librarian; and
 - (d) not more than two members of the academic staff other than heads of departments to be elected by the Congregation.
- (2) The Academic Board shall be responsible for:—
- (a) the direction and management of academic matters to the School including the regulation of admission of students, the award of certificates, scholarships, prizes, and other academic distinctions;
 - (b) making periodic reports on such academic matters to the Council as the Council may from time to time direct;
 - (c) discharging any other functions which the Council may from time to time delegate to it.

Committee's Recommendation:

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

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

Clause 9: Power of Minister to give direction to the Council.

Subject to the provisions of this Bill, the Minister may give to the Council directions of a general character or relating generally to matters of policy with regards to the exercise by the Council of its functions under this Bill and it shall be the duty of the Council to comply with such directions.

Committee's Recommendation:

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

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

Clause 10: The Provost of the School.

- (1) There shall be a Provost of the School (in this Bill referred to as lithe Provost") who shall be appointed by the Minister of Education, in accordance with the provisions of this section.
- (2) Where a vacancy exists in the post of Provost, the Council shall:—
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria specifying:—
 - (i) the qualifications of the person who may apply for the post;
 - (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for consideration;
 - (b) constitute a search team consisting of:—
 - (i) a member of the Council not being a member of the Academic Board, as Chairman;

- (ii) two members of the Academic Board not below the rank of Chief Lecturer;
- (iii) two members of the academic community of the School not below the rank of Chief Lecturer to be selected by the Council, to identify and draw up a short list of suitable person who are not likely to apply for the post for any reason whatsoever.

Committee's Recommendation:

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

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

Clause 11: Deputy Provost.

- (1) There shall be for the School a Deputy Provost.
- (2) The Council shall appoint the Deputy Provost from among the Chief Lecturers in the School in the following ways, that is:—
 - (a) from a list three candidates in order of preference, submitted by the Provost;
 - (b) on the recommendation of a selection Board constituted under this section for that purpose; or
 - (c) on the nomination of the Provost.
- (3) The selection Board referred to in this subsection (2) of this section shall:—
 - (a) consist of:—
 - (i) the Chairman of the Council;
 - (ii) the Provost;
 - (iii) two members of the Council not being members of the Academic Board, one of whom shall be the member appointed by the Minister;
 - (iv) two members ,of the Academic Board; and
 - (b) make such inquiries as it deems fit before making the recommendation required under that subsection.
- (4) The Deputy Provost shall:—
 - (a) be in charge of academic activities and assist the Provost in the performance of his functions;
 - (b) act in the place of Provost when the post of Provost is vacant or if for any reason the Provost is unable to perform his functions as Provost, and
 - (c) perform such other functions as the Provost or the Council may assign to him.

- (5) The Deputy Provost:—
- (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of two years and no more.

Committee's Recommendation:

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

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

Clause 12: The Registrar or other staff of the school.

- (1) The Council of the School shall appoint a Registrar to the School (hereinafter referred to as the Registrar) who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Council and subject thereto as the Provost may from time to time direct.
- (2) The Registrar shall, in addition to other duties conferred on him by or under this Bill, be the Secretary of the Council, the Academic Board and any committee of the Council and in his absence, the Councilor of any such Committee may appoint some other person to act as Secretary, and he shall not vote on any question before the Councilor count towards a quorum.
- (3) A Registrar:—
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of five years and no more.
- (4) where on the commencement of this section a Registrar appointed before the commencement of the section has held office:—
 - (a) for five years or less he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the School;
 - (c) for ten years or more, the Council may allow him serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the School.

Committee's Recommendation:

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

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

Clause 13: Other Principal Officers of the School.

- (1) There shall be for the School the following principal officers in addition to the Registrar, that is:—
- (a) the Bursar; and
 - (b) the School Librarian, who shall be appointed by the Council on the recommendation of the selection Board constituted under section 10 this Bill.
- (2) The Bursar shall be the Chief financial officer of the School and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the School.
- (3) The School Librarian shall be responsible to the Provost for the administration of the School Library and the coordination of the School library services in the teaching units of the School.
- (4) A Bursar or Librarian:—
- (a) shall each hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for a further period of five years and no more.
- (5) Where on the commencement of this section a Bursar or Librarian has held office:—
- (a) for five years or less he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the School;
 - (c) for ten years or more, the Council may allow him to serve in that capacity for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the School.

Committee's Recommendation:

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

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

Clause 14: Resignation of appointment of principal officer.

A principal officer may resign his appointment:—

- (a) in the case of the provost Rector, by notice of the Visitor; and of
- (b) in any other case, by notice of the Council.

Committee's Recommendation:

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

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

Clause 15: Other employee.

- (1) The Council may appoint such other persons to be employees of the School as the Council may determine to assist the Provost and the Principal Officers of the School in the performance of their functions under this Bill.
- (2) Subject to the provisions of this Bill the remuneration, tenure of and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission.

Committee's Recommendation:

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

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

Clause 16: Selection Board for other Principal Officer.

- (1) There shall be for the School, a selection Board which shall consist of:—
 - (a) the Chairman of the Council;
 - (b) the Provost;
 - (c) four members of the Council not being members of the Academic Board; and
 - (d) two members of the Academic Board.
- (2) The functions, procedures and other matters relating to the selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

Committee's Recommendation:

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

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

Clause 17: Pension.

- (1) It is hereby declared that service in the School shall be approved service for the purposes of the Pension Reform Act 2004 and accordingly, officers and other persons employed in the School shall in respect of their service in the School be entitled to pension, gratuities and other retirement benefits as are prescribed thereunder, however, that nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.
- (2) For the purpose of the application of the provisions of the pension Reform Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations) shall be exercisable by the School and not by any other person or authority.

Committee's Recommendation:

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

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

PART II — FINANCIAL PROVISIONS

- Clause 18:**
- (1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Bill.
 - (2) There shall be paid and credited to the fund established under subsection (1) of this section:—
 - (a) such sums as may from time to time be granted to the Council by the Minister of Education or as may be renamned at any point in time;
 - (b) all moneys raised for the purposes of the Council by way of gifts, grants-in-aids or testamentary disposition; and all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.
 - (3) The Council shall submit to the Minister not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year.

Committee's Recommendation:

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

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

Clause 19: Power to accept gift.

The Council may accept gifts of land, money, or other property upon such terms and conditions if any, as may be specified by the person making the gift provided such conditions do not conflict with or undermined the objectives of the School as provided in this Bill.

Committee's Recommendation:

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

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

Clause 20: Account and audit.

The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited.

Committee's Recommendation:

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

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

Clause 21: Annual report.

The Council shall soon as may be after the expiration of each financial year prepare and submit to the Minister a report of its activities during the immediately preceding financial year and shall include in the report copy of the audited accounts of the School for that year and of the auditor's report on the accounts.

Committee's Recommendation:

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

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

Clause 22: Offices and premises.

- (1) for the purposes of providing offices and premises necessary for the performance of its functions, the Council may:—
 - (a) purchase any interest in or take on lease any land; and
 - (b) build, equip and maintain offices and premises.
- (2) The Council may with the approval of the Minister sell any interest in or lease any land, offices or premises held by it and no longer required for the performance of its function.

Committee's Recommendation:

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

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

Clause 23: Discipline of staff and student.

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged breaches of discipline, dereliction of duties and gross misconduct a (including lack of diligence) by students or staff, and such rules may make different provisions for different circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any staff or student of the School has been guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made hereunder direct:—
 - (a) that the staff or student shall not, during such period as may be specified in the direction, participate in such activities of the School, or make use of such facilities of the School, as may be so specify;
 - (b) that the activities of the staff or student shall during such period as maybe;
 - (c) specified on the directions, be restricted in such manner as may be so specified; or that the staff or student may be suspended for such period as may be specified in the direction; or

- (d) that the staff or student be expelled from the School.
- (4) Where there is temporarily no Provost or where the Provost refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (a) of this section to any staff or student of the School who is guilty of misconduct.
- (5) where a direction is given under subsection (3)(a) or (d) of this section in respect of any student, the staff or student may, within twenty-one days from the date of the letter communicating the decision to him, appeal from the direction to the Council, and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.
- (6) The fact that an appeal from a direction is brought in pursuance of subsection of this section shall not affect the operation while the appeal is pending.
- (7) The Provost may delegate his powers under this section to a disciplinary committee consisting of such members of the School as he may nominate.
- (8) Nothing in this section shall be construed as preventing the restriction or termination of a staff's appointment or student's activities at the School otherwise than on the ground of misconduct.
- (9) It is hereby declared that the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Council shall be final unless reversed by the Minister on appeal by the staff or student.

Committee's Recommendation:

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

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

Clause 24: Interpretation.

In this Bill, unless the context otherwise requires —

"Chairman" means the Chairman of the Council;

"School" means the School of Mines and Geological Studies established by section 1 of this Bill and "Schools" shall be construed accordingly;

"Council" means the Governing Council of the School established by section 2 of this Bill;

"Congregation" means academic and non-academic staff of the School with first degree or Higher National Diploma (HND);

"Functions" includes powers and duties;

"Member" means a member of Council including the Chairman;

"Minister" means the Minister charged with responsibility for matters relating to the Federal Ministry of Mines and Steel Development;

"Provost" means the Provost of the School appointed under section 9 of this Bill;

"The person responsible for the advancement and development of Mining and Geological Studies" means the person appointed by the Minister to oversee the School in Akoko-Edo Local Government Area.

Committee's Recommendation:

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

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

Clause 25: Short title.

This Bill may be cited as the School of Mines and Geological Studies (Establishment, etc.) Bill, 2021.

Committee's Recommendation:

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

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

SCHEDULE

Section 2 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service.

1. There may be paid to the members of the council any committee, other than ex-officio members, such remunerations and allowances as may from time to time be determined by the Minister.
2. Where a vacancy occurs in respect of the membership specified in section 3 (1) (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.
3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings of the Council.

4. (1) The Council shall meet for the conduct of business at such times, places and on such days the Chairman may appoint but shall meet not less than once every four months.
- (2) The Chairman may at any time at the request in writing of not less than 6 members, convene a meeting of the Council.

- (3) At any meeting of the Council the Chairman shall preside; but in his absence, member present shall elect one of their members to preside at the meeting.
- (4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting.
- (5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the Minister.
- (6) Decisions of the Council shall be made on approval by a simple majority of members.

Miscellaneous

5. (1) The fixing of the seal of the School shall be authenticated by the signature of the Chairman, Provost and of some 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 other than a body corporate would not be required to be under seal may be made or executed on behalf of the School by any person generally or specially authorized to act for that purpose by the Council.
- (3) Any document purporting to be duly executed under the seal of the School shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

Question that the provision in this Schedule stand part of the bill — Put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for Act to Provide for the Establishment of the School of Mines and Geological Studies Akoko-Edo, Edo State and for Related Matters, 2021 and approved as follows:

Clauses 1-25	—	As Recommended
Schedule	—	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 (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. **Pharmacy Council of Nigeria Act CAP. P17 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (HB. 334) — Concurrence:**

Motion made: That a Bill for an Act to Repeal the Pharmacy Council of Nigeria Act Cap. P17 LFN 2004 and Re-enact the Pharmacy Council of Nigeria Act to regulate the training and practice of Pharmacy for Related Matters, 2021 be read the Second Time (*Senate Leader*).

Question put and agreed to.

Debate:

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 FOR AN ACT TO REPEAL THE PHARMACISTS COUNCIL OF NIGERIA ACT CAP. P17, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND RE-ENACT THE PHARMACY COUNCIL OF NIGERIA ACT TO REGULATE THE TRAINING AND PRACTICE OF PHARMACY; AND FOR RELATED MATTERS, 2021 (HB. 334).

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 PHARMACY COUNCIL OF NIGERIA ACT TO REGULATE THE TRAINING AND PRACTICE OF PHARMACY; AND FOR RELATED MATTERS, 2021

PART I — ESTABLISHMENT OF THE PHARMACY COUNCIL OF NIGERIA

- (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) the Director responsible for Pharmaceutical Services of each State Ministry of Health including Federal Capital territory;
 - (e) the Deans of the recognized Faculties or schools of Pharmacy in Nigerian Universities who shall be a Pharmacist;
 - (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) eight members from such of the State of the Federation appointed by the Minister on the recommendation of the Pharmaceutical Society of Nigeria, but no State shall, in any event, be entitled to more than one member including the FCT;
 - (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 PHARMACISTS, PHARMACY
TECHNICIANS, PREMISES, SATELLITE MEDICINE FACILITIES
AND PATENT MEDICINES 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 — INSPECTION AND REGISTRATION OF PREMISES**Clause 22: Inspection and 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 inspected and registered in accordance with the provisions of this Bill and in case of manufacturing facility such (GMP) activities conducted by the National Agency for Food and Drug Administration and Control (NAFDAC) are not included.
- (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.
- (9)
 - (1) Where the Registrar is of the view that a licence should be suspended, revoked, withdrawn, canceled or restored the holder of such licence shall, by notice, be required to give reasons within 14 days of receipt of such notice why the licence should not be suspended, revoked, withdrawn or cancelled.
 - (2) If the Registrar is satisfied by the reasons so given, such licence shall not be suspended, revoked, withdrawn or cancelled.

- (3) If the reason given is not satisfactory, the Registrar shall notify his decision to suspend, revoke, withdraw or cancel same to the holder thereof and in such case, the holder of the licence shall within 14 days appeal to the Council.
- (10) An application shall be made to the registrar for his approval for change, variation or modification in a licence in respect of superintendent Pharmacist, structure of premises, location of premises scope and areas of practice or any other change or variation that may affect the licence.

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 underserved 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.

- 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 foresaid, 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 ₦500,000 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 IX — 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 ₦500,000.00 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 ₦1,000,000.00 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 ₦2,000,000.00 and the directors or principal officers of the body corporate shall be liable to a fine of not less than ₦250,000.00 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 ₦5,000,000.00 and the directors or principal officers of the body corporate shall be liable to a fine of not less than ₦500,000.00 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 ₦2,000,000.00 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 ₦2,500, 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 ₦2,500,000.00 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 ₦500,000.00 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 ₦250,000.00 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 ₦500,000.00 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 ₦2,000,000.00.

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 XI — 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 thumbprint 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.

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, 2021.

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 provision in this First Schedule stand part of the bill — Put and 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 subpoena 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 provision in this Second Schedule stand part of the bill — Put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered 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 Pharmacy Council of Nigeria Act to Regulate the Training and Practice of Pharmacy; and for Related Matters, 2021 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 (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. Institute of Environmental Practitioners of Nigeria (Establishment) Bill, 2021 (HB. 353) — Concurrence:

Motion made: That a Bill for an act to provide for the Establishment of the Institute of Environmental Practitioners of Nigeria and for Related Matters 2021 be read the Second Time (*Senate Leader*).

Question put and agreed to.

Debate:

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 PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA AND FOR RELATED MATTERS, 2021 (HB. 353)

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA AND FOR RELATED MATTERS, 2021

Clause 1: Establishment of the Institute of Environmental Practitioners of Nigeria.

- (1) There is hereby established a body to be known as the Institute of Environmental Practitioners of Nigeria (IEPN) (in this Bill referred to as "the Institute").
- (2) The Institute:—
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may for the purpose of carrying out its functions, subject to the limitations in this Bill and to any law for time being in force, acquire, hold or dispose of property, whether movable or immoveable.
- (3) The Institute shall perform the function conferred on it by this Bill through the Council under this Bill.

Location of headquarters and regional offices.

- (4)
 - (a) The headquarters of the Institute shall be established and maintained in a suitable location in Nigeria as determined by the Council.
 - (b) The Council may make rules providing for the establishment and maintenance of offices of the Institute in the States of the Federation.

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: Establishment of the Governing Council.

- (1) There shall be established for the Institute a Governing Council charged with the administration and general management of the Institute.
- (2) The Council shall consist of —
 - (a) President of the Institute, who shall be the Chairman;
 - (b) Vice-President of the Institute who shall be the Vice-Chairman;
 - (c) Registrar of the Institute, which shall be appointed by the Council;
 - (d) National Treasurer of the Institute who shall be the Treasurer;
 - (e) Legal Adviser of the Institute who shall be a legal practitioner with a background in Environmental law;

- (f) Minister of Environment or his representative who shall not be below the rank of a Director;
- (g) Minister of Petroleum or his representative who shall not be below the rank of a Director;
- (h) Minister of Agriculture or his representative who shall not be below the rank of a Director;
- (i) Minister of Health or his representative who shall not be below the rank of a Director;
- (j) Minister of Science and Technology or his representative who shall not be below the rank of a Director;
- (k) Minister of Works or his representative who shall not be below the rank of a Director;
- (l) a representative of the Environmental Health Officers Registration Council of Nigeria;
- (m) a representative of the National Environmental Standards Regulatory and Enforcement Agency of Nigeria (NESREA);
- (n) the immediate past president of the Institute;
- (o) five elected representatives from Nigerian Environmental Society, Waste Management Society of Nigeria and other recognized affiliate professional bodies in Environmental sector approved by Council, of whom three shall be members of the national executive committee of the institute;
- (p) Chairmen of branches of the Institute;
- (q) Chairman Board of Fellows;
- (r) Chairmen of committees of the Council; and
- (s) all representatives from Ministries, Departments and Agencies of Government shall not hold and Executive office.

Schedule.

- (3) The provision of the First Schedule to this Bill shall regulate the proceedings of the Council and related matters.
- (4) Each members of the Council shall serve a term of two years and may be eligible for another term of two years and no more.

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: Function of the Institute.

The Institute shall have the general duty of :—

- (a) training and certification of persons who seek to be members of the institute;
- (b) determining the standard of knowledge and skill to be attained by persons seeking to become registered members of the Environmental Practitioner of Nigeria and raising those standards from time to time as circumstances may permit;
- (c) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of members, and the publication from time to time of the list of those persons;
- (d) establish practice guidelines for environmental and safety certification in line with global best practices;
- (e) providing consultancy services on environmental matters to the public as well as the private sector;
- (f) holding conferences, workshops seminars. and symposia on contemporary environmental issues; and
- (g) performing any other duties as the Council may deem fit from time to time.

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: Function of the Council.

The Council shall be responsible for:—

- (a) ensuring the effective and efficient implementation of the function of the Institute;
- (b) supervising and monitoring the operations of the Institute;
- (c) maintaining the highest level of integrity and honesty in the operations of the Institute;
- (d) the consideration and approval of the annual budget of the Institute;
- (e) presentation of the report and account prepared by the Institute to the Minister;
- (f) the approval of the audited accounts and the consideration of the management letters from the external auditors;
- (g) appointment and removal of auditors, provision of the necessary facilities and remuneration; and
- (h) carrying out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute
- (i) take appropriate actions on all committees recommendations.

- (j) obtaining from any authority or persons, charters, and concessions necessary for the attainment of its purposes;
- (k) borrowing money, grant and loans with the approval of the Council without prejudice to any provision of this Bill relating to the provisions of funds; and
- (l) carrying out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute as prescribed in 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.

Clause 5: Admission into the Institute.

- (1) Subject to the provisions of this Bill, only persons of good character and integrity shall be admitted to membership of the Institute.
- (2) Members admitted into the Institute shall possess adequate interest, knowledge and understanding of environmental practices and other such related professions may be registered as members in any of the following categories:—
 - (a) Graduate Member, if the person has:—
 - (i) spent at least six years as an Associate, and
 - (ii) adjudged by the Council to possess an adequate knowledge of environmental practice and management; and
 - (b) Fellow, if the person has:—
 - (i) spent at least ten years as a full member of the institute; or
 - (ii) contribute significantly to the development of environmental practice and management;
 - (c) Associate Member, if the person is a:—
 - (i) University graduate who has spent at least four years in an affiliate grade;
 - (ii) holder of university degree in environmental science or any related discipline, or a person who has performed duties at a senior level in environmental practice and management continuously for at least six years;
 - (iii) graduate of the Institute who has competently performed executive or advisory duties at a senior level in environmental practice and management for at least four years since election to the grade of member; and
 - (iv) non-graduate who has spent at least ten years in an affiliate grade, and possesses standard knowledge and qualities essential for a successful practice of environmental practice and management; and

- (d) Honourary Fellow.
- (3) A member of the Institute shall be entitled to receive, from the Council, a certificate in such form as the Council may approve for that purpose and a Fellow or an Associate Member shall be entitled to use such letters after his name as may be authorized by the Council from time to time as follows:—
- (a) a member registered into the category of individual membership shall be entitled to use the initials "MIEPN".
- (b) a member registered into the category of membership of Fellow shall use the initials "FIEPN";
- (c) a member registered into the category of membership of Associate shall be entitled to use the initials "AIEPN".

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.

PART II — FINANCIAL PROVISIONS

Clause 6: Fund of the Institute.

- (1) There shall be established for the Institute a Fund, which shall be managed and controlled by the Council.
- (2) There shall be paid into the Fund:—
- (a) all fees, charges and monies payable to the Institute pursuant to this Bill;
- (b) all revenue from other sources both locally and internationally; and
- (c) other monies received by the Institute in course of its operations or in relation to the exercise of its function under this Bill.
- (3) There shall be paid out of the Fund of the institute:—
- (a) remuneration and allowances of the Institute;
- (b) all expenditure incurred by the Council in the discharge of its functions under this Bill;
- (c) such reasonable expenses and allowances of members of the Council, committee members and other co-opted persons in respect of the time spent on duties of the Council as applicable to similar Institutes; and
- (d) any other expenses incurred by the Council in the discharge of its function under this Bill.
- (4) The Council may invest monies from the fund in any security created or issued by or on behalf of the Government of the Federation or any other security in Nigeria as may be approved by the council.

- (5) The Council may on behalf of the Institute, from time to time borrow money for the purpose of running the Institute, which shall be paid into the Fund.

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: Annual accounts and audit.

- (1) The Council shall keep proper accounts and records on behalf of the Institute in respect of each year, and the Council shall cause the accounts to be audited by an external auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor General of the Federation and the audited accounts submitted to the members at the general meeting of the Institute.
- (2) The Auditor appointed for the purposes of subsection (1) of this section shall not be a member of the Council.

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.

PART III — THE REGISTRATION AND THE REGISTRAR

Clause 8: Appointment of Registrar, etc and preparation of register.

- (1) The Council shall appoint a person knowledgeable in environmental practice for not less than ten years to be the Registrar of the Institute, and such other persons as the Council may from time to time think necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) The Registrar shall be the Chief Executive officer of the Institute and Secretary to the Council.
- (3) The Registrar shall prepare and maintain a Register of names, addresses and approved qualifications and other relevant particulars as may be specified in the rules made by Council, of all categories and classes of members/persons registered as Environmental practitioners in the Country.
- (4) The register shall consist of parts established according to professional disciplines approved by Council. Council shall review parts of the disciplines as need arises.
- (5) The Council may make regulations with respect to the form and keeping of the register and the making of entries therein and in particular:—
- (a) regulating the making of applications for or registration, and providing for the evidence to be produced in support of applications;
- (b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;

- (c) authorizing a registered person to have any qualification which is in relation to economics, either an approved qualification so registered;
 - (d) specifying the fees, including any registration fees, to be paid to the institute in respect of the entry of names on the register and authorizing the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid.
- (6) Any rules made for the purposes of paragraph (d) of subsection (5) of this section shall not come into force until they are approved by the Annual General Meeting (AGM).

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.

Clause 9: Duties of the Registrar.

It shall be the duty of the Registrar to correct, as directed by the Council:—

- (a) any wrong entry in the register;
- (b) update the registered particulars of registered persons;
- (c) remove from the register the name of any registered person who has died;
- (d) record the names of members of the institute who are in debt for more than six months in the payment of annual or practicing fee and to take such action in relation thereto (including removal of the name of defaulter from the register) as the Council may be direct or require.

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: Publication of register and its correction.

- (1) The Registrar shall ensure that:—
 - (a) the register or any corrections made therein shall be printed, published and put on sale for members of the public not later than two years from the commencement of this Act; and
 - (b) a print of each edition of the register and of each list of corrections to be deposited at the headquarters of the Institute, and it shall be the duty of the Council to keep the register and list so deposited, available at all reasonable times for inspection by members of the public.
- (2) A published copy of the Register and any corrections therein shall be admissible in evidence to prove registration of a person.

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.

PART IV — REGISTRATION

Clause 11: Registration of Environmental Practitioners organization.

- (1) The Council shall register annually all qualified Environmental Practitioners and organisations and renew their registration every five years.
- (2) A person, organisation or firm shall not practice as an Environmental Practitioners or consultant in Nigeria unless registered by 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: Rules as to practice.

- (1) The Council may make rules for: —
 - (a) prescribing the amount and date of the annual practicing fees;
 - (b) prescribing the form of license to practice to be issued;
 - (c) restricting the right to practice as a member in default continues for longer than such period as may be prescribed by the Council;
 - (d) restricting the right to practice as a member if the qualification granted outside Nigeria does not entitled the holder to practice as an environmental practitioner; and
 - (e) prescribing the period of practical training and experiences in the office of a member in practice, to be completed before a person qualifies for registration or a license to practice as environmental practitioner.
- (2) Rules when made shall, if the Chairman of the Council so direct be published in two widely circulated national dailies and in the Institute's Journal.

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.

PART V — PROFESSIONAL DISCIPLINE

Clause 13: Establishment of Environmental Practitioners Disciplinary Committee for professional misconduct.

- (1) There shall be established a committee to be known as the Environmental practitioners Disciplinary Committee (in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any cases of professional misconduct referred to it.
- (2) The Disciplinary Committee shall consist of a chairman and four other members of the Council of the Institute appointed by the Board.

- (3) The quorum of the meeting of the Committee shall be three members, including the Chairman or in his or her absence, his or her nominee.
- (4) The Disciplinary Committee shall conduct investigations into any allegation against any registered member of the Institute for professional misconduct or such other conduct that warrants proceedings against him or her before the Disciplinary Committee and shall make determination as to his or her guilt or innocence.
- (5) Where the Disciplinary Committee determines that a registered member is guilty of misconduct, it shall refer the matter including all its proceedings and recommendations to the Council of the Institute and the Council shall make determination as to whether the member should be :—
 - (a) reprimand; or
 - (b) suspended for a period not exceeding 12 months; or
 - (c) deregistered, that is to say have his or her name removed from the register.
- (6) The Governing Council of the Institute may make rules not inconsistent with this Bill as to acts which constitute professional misconduct.
- (7) If a member is convicted of a criminal offence by a court or tribunal of competent jurisdiction, he shall have his or her name removed from or struck out of the register.
- (8) A person whose name is removed from the register in pursuance of a directive of the Governing Council under this section shall not be entitled to be registered again except in pursuance of a new directive in that behalf given by the Council upon the application of that person; not less than two years from the date on which his or her name was removed from the register.

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: Offences and penalties.

- (1) Any person who is not registered by the Institute but holds himself or herself out as a registered Environmental Practitioner shall be guilty of an offence.
- (2) Any person who for the purpose of procuring registration as Environmental Practitioner:—
 - (a) makes false claim as to his or her qualifications or experiences;
 - (b) makes false entry or willfully falsifies the register, shall be guilty of an offence.

- (3) A persons who commits offence under this Bill shall be liable on conviction to:—
- (a) a fine not exceeding ₦500,000 or imprisonment for a term not exceeding six months or both such fine and imprisonment for an individual; or
 - (b) a fine of not less than ₦1,000,000 for a corporate organization.

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.

PART VI — MISCELLANEOUS PROVISIONS

Clause 15: Committees.

- (1) The Council shall appoint the following standing committees:—
- (a) admission and registration committee;
 - (b) education and training committee;
 - (c) disciplinary committee;
 - (d) finance and general purpose committee; and
 - (e) such other adhoc 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 one third may be persons who are members of the Council and 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.
- (3) Membership of committee shall be drawn from registered members outside Council who are professionally competent to be so appointed and membership of any standing committee shall not be less than five and not more than seven and shall be chaired by a Council member so appointed.
- (4) A decision of a committee of the Council shall be of no effect until the Council considers and ratifies or approves it.

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.

Clause 16: Fees.

The Council shall prescribe rules and regulations, including fees to be paid for registration and other purposes under this Bill; and when and how such fees shall be paid.

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: Honorary membership.

The Council can admit persons to the Institute as Honorary members, provided not more than five (5) persons are admitted for a period of not less than two (2) years.

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: Library.

The Institute shall:—

- (a) provide and maintain a library comprising of books, research materials and publications that will build the capacity of the Environmental Practitioners and other materials approved by the Council;
- (b) encourage research into environmental and other related subjects and
- (c) formulate and make rules and regulations guiding the use of the library in particular and the Institute in general.

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: Property of the Institute.

The Institute may own, register, transfer and receive properties in its corporate name.

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: Interpretation.

In this Bill:—

"Institute" means the Institute of Environmental Practitioners of Nigeria;

"Association" means the Association of Environmental Practitioners;

"Environmental Practitioners" means a person who has the relevant qualification in any environmental science, disciplines, engineering and technology, sciences and related disciplines, experience, attitude and dedication towards the good health and well-being of the environment;

"Minister" means Minister in charge of Environment;

"Council" means Governing Council of the Institute;

"Fees" includes annual subscription;

"Member" means a registered member of the Institute;

"Practitioners" means Environmental Practitioners;

"Tribunal" means Environmental Practitioners' Discipline Tribunal;

"Register" means register of members; and

"Registrar" means Chief Executive of the Institute.

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: Short title.

This Bill may be cited as the Institute of Environmental Practitioners of Nigeria (Establishment) Bill, 2021.

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.

SCHEDULE

Supplementary Provisions Relating to the Institute Proceedings of the Council. *Clause 2(3)*

1. Subject to provisions of this Bill and other applicable laws, Council may make orders regulating its proceedings or those of any committee it sets up.
2. Where standing orders made under paragraph 1 of this Schedule provide for the Council to co-opt persons who are not members of the council, such persons may advise the Council on any matter referred to them by the Council, but shall not be entitled to vote at a meeting of the Council or count towards a quorum.
3. The Council may appoint one or more committees to carry out on its behalf such functions as the council may determine.
4. A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office in accordance with the terms of his appointment.
5. A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Meetings of the Council

6. The council shall meet whenever it is considered necessary (but not less than twice a year) by giving notice to all members concerned, at least seven (7) days before the meeting.
7. The Chairman shall preside at every meeting of the Council and in his absence, the Vice Chairman shall preside.

8. Five members of the Council, other than the Chairman shall form a quorum at the meeting.
9. Unless otherwise provided in this Bill, decisions shall be by a simple majority of the votes of the members present, but in the event that equal votes are cast, the person presiding shall cast the deciding vote.

Committees

10. Subject to standing orders, the Council may appoint one or more committees to carry out on its behalf such duties as the Council may determine and make necessary reports.
11. A committee appointed under paragraph 10 of this schedule shall consist of the number of persons to be determined by the Council and not more than the one-third of those persons may be persons who are not members of the Council; a person other than a member of the Council may hold office on the Committee in accordance with the letter of appointment provided.
12. The quorum of any committee set up by the Council shall be determined by the Council.
13. The decision of the committee shall be of no effect until confirmed by the Council.

Miscellaneous

14. The fixing of the seal of the Institute shall be authenticated by signature of the Chairman and some other members authorised generally or specially by the council to act for that purpose.
15. A document purporting to be an instrument issued by the Institute and to be sealed with the seal of the Institute authenticated in the manner provided by the foregoing paragraph, or to be signed by the Chairman, shall receive in evidence and shall be deemed to be the instrument without further proof, unless there is proof otherwise.
16. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, if made by or executed on behalf of the Council by any person authorised generally or specially by the Council to act for that purpose.
17. The validity of a proceeding of the council shall not be affected by:—
 - (a) a vacancy in the membership of the Council;
 - (b) by a defect in the appointment of a member of the Council; or
 - (c) by reason that a person not entitled to do so took part in the proceedings.
18. A member of the Council and a person holding office on a committee of the Council, who has a personal interest in a contract or an arrangement entered into or proposed to be considered by the Council or the committee shall forthwith disclose his interest to the council or committee and shall not vote on any question relating to that contract or arrangement.

Question that the Provision in this Schedule, Stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for the Establishment of the Institute of Environmental Practitioners of Nigeria and for Related Matters, 2021 and approved as follows:

Clauses 1-21 — As Recommended

Schedule — 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 (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. **Adjournment:**

Motion made: That the Senate do now adjourn till Wednesday, 5th May, 2021 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:04 p.m.

Ahmad Ibrahim Lawan, Ph.D, CON
President,
Senate of the Federal Republic of Nigeria.