

L.N. 60 of 1975

## THE PHARMACISTS ACT 1964

(1964 No. 26)

## PHARMACISTS (DISCIPLINARY COMMITTEE AND ASSESSORS) RULES 1975

Commencement : 11th July 1975

In exercise of the powers conferred upon me by Paragraph 2 (1) of the Second Schedule to the Pharmacists Act 1964, and of all other powers enabling me in that behalf, I, Taslim Olawale Elias, Commander of the Federal Republic, Chief Justice of Nigeria, hereby make the following rules :—

*Proceedings before the Disciplinary Committee*

- 1.—(1) The parties to the proceedings before the committee shall be—
- (a) the complainant,
  - (b) the respondent, and
  - (c) any other person required by the committee to be joined or joined by leave of the committee.

Parties and appearance.

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner acting as counsel, provided that the committee may order a party to the proceedings to appear in person but without prejudice to that person's right to counsel if it is of the opinion that in the interest of justice it is necessary so to do.

2.—(1) Before referring a case to the committee, the panel shall prepare a report of the case and formulate any appropriate charge or charges and the registrar shall refer the report and charges to the chairman with all the documents considered by the panel.

Reference of case to committee.

(2) On the direction of the chairman, the registrar shall fix the date for the hearing of the case and forthwith thereafter shall, in the form in the Schedule to these rules, serve notice thereof on each party to the proceedings.

Fixing of day and service of notice, etc.

(3) The registrar shall serve on each party, other than the panel, copies of the report and of the charge or charges preferred, and of all other documents considered relevant by the panel.

(4) Any process required to be served under this rule shall be deemed to have been properly served if the same is handed personally to the party concerned or is sent by registered post to the last known place of residence or abode of the party.

3.—(1) Subject to paragraph 2 of this rule, the committee may hear and determine a case in the absence of a party.

Hearing in absence of parties.

(2) Any party to the proceedings before the committee who fails to appear or be represented, or who has previously appeared before the committee but subsequently fails to appear or be represented, may apply within 30 days after the date when the pronouncement of the findings and directions of the committee was given, for a re-hearing on the ground of want of notice or for other good and sufficient reason; and the committee may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

Witnesses  
and evi-  
dence.

4. The committee may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist it in arriving at a conclusion as to the truth or otherwise of the charges referred to it by the panel ; and in the application of this rule, the provisions of the Evidence Act or Law in operation in the State where the committee holds its sitting shall apply to any such proceedings.

Amendment  
of charges.

5. If in the course of its proceedings it appears to the committee that the charge or charges before it require to be amended in any respect, the committee may, on such terms as it thinks fit, allow the amendment to be made and the charge or charges as so amended shall thereupon be dealt with accordingly.

Proceedings  
to be in  
public.

6. The proceedings of the committee shall be held, and its findings and directions shall be pronounced, in public unless otherwise directed by the committee.

Adjourn-  
ment of  
hearing.

7. The committee may, of its own motion, or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the committee thinks fit.

False  
evidence.

8. If any person wilfully gives false evidence on Oath before the committee during the course of any proceedings, or wilfully makes a false statement in any affidavit, sworn for the purpose of any such proceedings the committee may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

#### *Finding, etc.*

Findings and  
costs.

9. If after the hearing, the committee adjudges that the charge or charges referred to it by the panel have not been proved, the committee shall record a finding that the pharmacist concerned is not guilty of the infamous conduct to which the charge or charges relate ; save that in any such case the committee may nevertheless order any party (except the pannel) to pay the costs of the proceedings if, having regard to that party's conduct and to all the circumstances of the case, the committee thinks fit so to order.

Publication  
of Commit-  
tee findings.

10. Any direction given by the committee shall be published in the Federal Republic of Nigeria Official Gazette as soon as may be after the direction takes effect.

Record of  
proceedings.

11.—(1) Shorthand notes of proceedings may be taken by a person appointed by the committee and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The registrar shall supply to any party entitled to be heard upon an appeal against the direction of the committee and to the board, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the registrar.

(3) If for any reason no shorthand notes are taken, the chairman shall take notes of the proceedings and, accordingly, the provisions of this rule as to inspection and supply of copies shall apply to such notes.

Dispensing  
with certain  
provisions.

12. The committee may dispense with any requirement of these rules respecting notices, affidavits, documents, service or time in any case where it appears to the committee to be just or expedient so to do ; and the committee in any appropriate case may extend the time for doing anything under these rules.

13. Any documents, books or other exhibits produced or used at the hearing of any proceedings shall, unless the committee otherwise directs, be retained by the registrar until the expiry of the time limited by the Act for appealing against any direction of the committee or, until the appeal is heard or otherwise disposed of, if notice of any such appeal has been given.

Power to retain exhibits pending appeal.

#### *Assessors, etc.*

14.—(1) An assessor, when nominated in accordance with paragraph 4 (1) of the second schedule to the Act, shall be appointed by the board by instrument, and the assessor shall hold and vacate office as provided in the instrument; save that where the appointment is not a general one, such instrument shall have effect only in respect of a particular sitting of the committee.

Appointment and duties of assessors.

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the committee as and when requested so to do by notice in writing given to him by the registrar not later than three clear days before the date appointed for the meeting; and he shall there advise the committee on questions of law arising in proceedings before it.

(3) Except where the committee is deliberating in private, the advice of the assessor on questions of law as to evidence and procedure or as to compliance with the Act shall be tendered in the presence of every party or his counsel.

(4) If the advice by the assessor is given otherwise than in the presence of all the parties thereto, or of their counsel as the case may be, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice and the reaction thereto of the committee.

(5) The assessor shall be paid such fees as may from time to time be determined by the board with the consent of the assessor.

#### 15. In these rules—

“chairman” means the chairman of the Pharmacists Board of Nigeria established under section 1 (1) of the Pharmacists Act 1964;

“party” or “the party” means any of the parties mentioned in rule 1 (1) of these rules;

“registrar” means a person appointed to act as the registrar under section 4 (1) of the Pharmacists Act 1964;

“complainant” means the investigating panel;

“respondent” means the pharmacist whose conduct is the subject matter of the proceedings.

16. These rules may be cited as the Pharmacists (Disciplinary Committee and Assessors) Rules 1975.

Citation.

## SCHEDULE

Rule 2 (2)

NOTICE OF HEARING BY THE PHARMACISTS  
DISCIPLINARY COMMITTEEIN THE MATTER OF THE PHARMACISTS ACT 1964  
AND  
IN THE MATTER OF A CHARGE OF UNPROFESSIONAL CONDUCT  
AGAINSTof .....  
a Pharmacist.TAKE NOTICE that the report and charges prepared by the investigating panel in the above matter are fixed for hearing by the Pharmacists Disciplinary Committee at .....  
on the ..... day of ..... 1975

Copies of :—

- (a) the report ;
- (b) the charges ; and
- (c) .....  
are annexed hereto.

DATED at Lagos this ..... day of ..... 1975.

.....  
*Registrar*

MADE at Lagos this 11th day of July 1975.

T. O. ELIAS,  
*Chief Justice of Nigeria*

## EXPLANATORY NOTE

*(This note does not form part of the above Rules  
but is intended to explain its effect)*

The above rules provide for the procedure and other matters relating to the proceedings before the Pharmacists Disciplinary Committee. They also make provision with respect to the appointment and duties of an assessor.

L.N. 61 of 1975

**TRADE DISPUTES (EMERGENCY PROVISIONS)  
(AMENDMENT) (No. 2) DECREE 1969  
(1969 No. 53)**

**Trade Dispute (Nigerian Footwear, Chemical, Plastic and Allied  
Workers' Union and Wellcome (Nigeria) Limited) Confirmation  
of Award Notice 1975**

Pursuant to the provision of section 4 (4) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969 the Industrial Arbitration Tribunal Award made on 26th February 1975, and set out in the Schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

**SCHEDULE**

<i>Name of Arbitration Tribunal, etc.</i>	<i>Terms of Award</i>						
Industrial Arbitration Tribunal : Nigerian Footwear, Chemical, Plastic and Allied Workers' Union and Wellcome (Nigeria) Limited.	(1) That enhanced wages be payable with effect from 1st October 1974 to the employees of Wellcome (Nigeria) Limited, Ikeja in accordance with the following scale, that is to say entry points for the relevant grades be as set out against each grade : <table style="margin-left: 40px;"> <tr> <td>Grade A .. .. .</td><td>₦720</td></tr> <tr> <td>Grade B .. .. .</td><td>₦810</td></tr> <tr> <td>Grade C .. .. .</td><td>₦960</td></tr> </table>	Grade A .. .. .	₦720	Grade B .. .. .	₦810	Grade C .. .. .	₦960
Grade A .. .. .	₦720						
Grade B .. .. .	₦810						
Grade C .. .. .	₦960						
	(2) That Company is further awarded an option to pay resulting arrears in three equal and consecutive monthly instalments beginning from pay-day in March 1975.						

DATED at Lagos this 26th day of May 1975.

**BRIGADIER H. E. O. ADEFOPE,**  
*Federal Commissioner for Labour*

**EXPLANATORY NOTE**

*(This note does not form part of the above Notice but is  
intended to explain its effect)*

The Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between Nigerian Footwear, Chemical, Plastic and Allied Workers' Union and Wellcome (Nigeria) Limited.