



# The Journal of Social Sciences Research

ISSN: 2411-9458

Vol. 1, No. 2, pp: 20-24, 2015

URL: <http://arpgweb.com/?ic=journal&journal=7&info=aims>

## Strengthening Business in Nigeria through Company Registration: The Pharmacists' Council of Nigeria Model

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**Abstract:** The Corporate Affairs Commission (CAC), the Bureau for Public Enterprises (BPP) and the Pharmacists Council of Nigeria (PCN) have functions that tend to influence business life, aimed at protecting and promoting healthy relationship during business transactions. In this regards, the objectives and the extent of this activity may differ. The Pharmacists Council may be more exerting than the CAC because its activities relate largely to health. This, however, does not mean that its practices are not business related. This article emphasizes that the activities of the CAC can be strengthened if it follows the pattern of the Pharmacists' Council (PCN, 2015).

**Keywords:** Strengthening, Business, Company Registration, Nigeria, Pharmacist Council of Nigeria.

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### 1. Introduction

The Corporate Affairs Commission was established by the Companies and Allied Matters Act which was promulgated in 1990 to regulate the formation and management of companies in Nigeria (CAC, 2015).

The establishment of the Corporate Affairs Commission as an autonomous body was as a result of the perceived inefficiency and ineffectiveness of the erstwhile Company Registry, a department within the Federal Ministry of Commerce and Tourism which was then responsible for the registration and administration of the repealed Companies Act of 1968 (2015). Upon the formation of the Corporate Affairs Commission (CAC), all previous records of companies' registration were transferred to it.

The Commission being an agency committed to sanitizing the business environment is subject to the Companies and Allied Matters Act, the law guiding the regulation and supervision of the formation, incorporation, registration and management of companies in Nigeria. The CAC as a federal government agency remain totally committed to the continued improvement of its services, understanding customer's needs, reviewing and improving of its processes in order to achieve customer satisfaction. According to CAC, the best practices for customer service in public sector are (CAC, 2015):

1. To understand customer service in the public sector
2. Learn to identify and analyze customer needs and problems
3. Recognize the most common reasons for customer complaint
4. Discover techniques to cultivate and maintain special customer relationships

The functions of the Commission as set out in section 7 of the Companies and Allied Matters Act include the following (CAC, 2015):

- To administer the Act, including the regulation and supervision of the formation, incorporation, management and winding up of companies;
- To establish and maintain companies registry and offices in all the states of the Federation suitably and adequately equipped to discharge its functions under the Act or any law in respect of which it is charged with responsibility;
- Arrange and conduct an investigation into the affairs of any company where the interests of the shareholders and the public so demand;
- To undertake such other activities as are necessary or expedient for giving full effect to the provisions of the Act.

The Commission also registers Business Names and Incorporated Trustees as well as provides a wide range of ancillary services.

To strengthen business activities, the management had since embarked on a reform agenda to transform CAC into a modern, efficient and world class company registry. Some of these reforms include; introduction of a World Class Data Center, CAC online project geared towards improving efficiency and enhancing quality of service delivery and global best practices (CAC, 2015).

## 2. Pharmacists Council of Nigeria (PCN)

The Pharmacists Council of Nigeria (PCN) is a public corporation created by the Federal Government of Nigeria in 1992 with the sole responsibility to register, monitor, regulate and control all aspects of pharmacy practice in Nigeria, including the education and training of pharmacists and pharmacy-related personnel (PCN, 2015). The establishment of the Corporate Affairs Commission as an autonomous body was as a result of the perceived inefficiency and ineffectiveness of the erstwhile Company Registry, a department within the Federal Ministry of Commerce and Tourism which was then responsible for the registration and administration of the repealed Companies Act of 1968. The PCN was established to *create an enabling and adequately regulated environment for the provision of quality Pharmaceutical Services for sustainable health care delivery* (PCN, 2015). The council formulates the corporation's policies and takes related decisions which may be classified into (PCN, 2015):

- a. Registration and control initiatives
- b. Monitoring and regulatory functions
- c. Education and training program and
- d. Appropriate information and publications in support of functions.

In accordance with the mandate of the PCN to standardize and control all aspects of education and training for pharmacy and related occupations in Nigeria, setting appropriate standards as benchmarks in the practice of pharmacy in different areas of specialization is a major statutory responsibility of the PCN. The presentation of the first edition of the four-part compendium of minimum standards for the assurance of pharmaceutical care in Nigeria to Nigerians by Professor Eyitayo Lambo, the Honorable Minister of Health on 16<sup>th</sup> august, 2005, marked a significant milestone in the regulation of the practice of pharmacy in Nigeria. The compendium has, for the first time in the history of pharmacy regulation in Nigeria, set the benchmarks of the minimum levels of practice required for the assurance of pharmaceutical care in hospital pharmacy, Retail/Community pharmacy, pharmaceutical manufacturing and the wholesaling/importation of pharmaceutical products. This is the outcome of a bold initiative by the PCN to define the minimum standards to guide pharmacy practitioners in the four established areas of pharmacy practice. The pharmacists as practitioners, the stakeholders in pharmacy and, indeed the general public now have standards established by the profession's regulatory body for gauging the practice of pharmacy in Nigeria (Adikwu, 2003; PCN, 2015; Pharmacists' Council of Nigeria, 2009a;2009b)

Procedures for Registration of Pharmacists and Premises

### 2.1. Procedures for Provisional Registration of Pharmacists

The provisional registration of fresh graduates commences during the induction (oath taking) ceremony. The PCN officer in attendance is expected to go along with the following documents:

- \* Form F for completion by inductees
- \* Oath certificates with names of inductees already typed
- \* Certificates of provision registration (Form G) written and endorsed by the Registrar, permanent home addresses of the inductees are usually completed during the interactive session. These certificates are sealed with the official seal
- \* Gift for best graduating student

The Council requests for name of the best graduating student from the school's dean, if not already sent to the Council for the purpose of the plaque. Apart from the plaque, the student is also awarded a cash prize of N5, 000.00 and books worth N5, 000.00. Note that this amount may change from time to time.

### 2.2. Procedures for Full Registration of Pharmacists

**2.2.1.** Files of pharmacists who have met the requirements for full registration are forwarded to the full registration unit from the provisional registration unit.

**2.2.2.** All the files are re-assessed to ensure that the requirements are met:

- 2.2.3. Application for provisional registration (Form F) with the appropriate fee
- 2.2.4. Photocopy of oath certificate
- 2.2.5. Photocopy of certificate of provisional registration (Form G)
- 2.2.6. Photocopy of school result and certificate of birth
- 2.2.7. Original copy of application to commence the internship training programme (Form F/2)
- 2.2.8. Original copy of certificate of experience (Form D) from PCN accredited internship centre. The date of commencement of training on the Form D must tally with that on the Form F/2 and the training must have lasted for 12 calendar months
- 2.2.9. Completed application to register as a Pharmaceutical Chemist (Form C) with the appropriate fee
- 2.2.10. Application for retention of name in the register (with the appropriate fee) for the current year.

### **3. Procedures for Registration of Premises** (Adikwu, 2003; PCN, 2015; Pharmacists' Council of Nigeria, 2009a)

#### **3.1. Registration of New Premises**

Pharmacists seeking to register new premises are expected to forward the following documents:

- i. Application for registration of new premises
- ii. Completed forms B and J
- iii. Certificate of Incorporation
- iv. Memorandum and Article of Association
- v. Certified True Copy of Form Co7 showing the name of the Pharmacist Director
- vi. Appropriate fee in bank draft
- vii. Inspection report (From DPS or PIC)
- viii. Current Annual License to practice of Pharmacist Director
- ix. Letter of resignation and acceptance of resignation from former employer of Pharmacist it previously employed
- x. Particulars of first Directors of the Company
- xi. NYSC discharge Certificate for new pharmacist

#### **3.2. How Can the Corporate Affairs Commission Gain from the Pharmacists Council of Nigeria Model?**

The topic can be looked at from two perspectives:

1. Strengthening Business through licensing of individuals
2. Strengthening of Business through licensing of premises

In Nigeria there are too many "suitcase-carrying" business men. Many do not have any address as such. They may have complementary cards that show an address which in reality does not exist. These people usually have registered with the Corporate Affairs Commission. They may even register up to twenty companies. In the event of any advertisement for bidding they could submit over twenty different applications. Thus there is no control over businesses in Nigeria. Thus, the procurement method speculated in the Federal Government of Nigeria Procurement Manual claims to deal with the issue of (BPP, 2015; Federal Republic of Nigeria, 2008):

- Economy;
- Efficiency;
- Fairness;
- Reliability;
- Transparency; and
- Accountability and Ethical Standards.

This does not deal strictly with ethical issues as claimed as there are many loopholes of how to circumvent the issues contained therein. The Bureau of Public Procurement (BPP) tries to strengthen the procurement procedures through its various laws and edicts. Specifically the Bureau was established with the following objectives:

- To harmonize existing government policies and practices on public procurement by streamlining the government procurement system and standardizing the same to be of equal application to all public sector entities.
- To ensure better transparency and good governance in relation to government procurement awards.
- To promote application of fair and competitive standards and practices, by ensuring that all parties who are eligible and desirous of participating in public bidding are given an equal opportunity.
- To ensure that the government will get the best value for money in terms of price, quality and timely delivery of procurement.
- To ensure that the government procurement system is made efficient and simplified in order to promote development needs of the country.
- To put in place a monitoring system in relation to selection of successful bidders and award of government tenders.

### 3.3. Key Functions of the Bureau of Public Procurement (BPP) (BPP, 2015; Federal Republic of Nigeria, 2008)

- Formulate the general policies and guidelines relating to public sector procurement of goods, works and services for the approval of the National Council on Public Procurement.
- Subject to thresholds as may be set by the Council, certify Federal procurement prior to the award of contracts within the prior review thresholds for all procurements under the Public Procurement Act.
- Supervise the implementation of established procurement policies.
- Monitor the prices of tendered items and keep a national database of standard prices.
- Publish the details of major contracts in the procurement journal.
- Maintain a national database of the particulars and classifications and categorization of federal contractors and service providers.
- Collate and maintain in an archival system, all federal procurement plans and information.
- Undertake procurement research and surveys.
- Organize procurement training and development programmes for procurement professionals.
- Coordinate relevant training programmes to build institutional capacity.
- Prepare and update Standard Bidding and Contract Documents.
- Prevent fraudulent and unfair procurement and where necessary apply administrative sanctions.
- Review the procurement and award of contract procedures of every public sector entity to which the Public Procurement Act applies.
- Perform procurement audits and submit such report to the National Assembly biannually.
- Introduce, develop, update, and maintain related database and technology.
- Periodically review the socio-economic effect of the policies on procurement and advise the National Council on Public Procurement accordingly.
- From time to time, stipulate to all procuring entities, the procedures and documentation pre-requisite for the issuance of "Certificate of No Objection" under the Public Procurement Act.

The objectives stated above are quite clear but still seem to be below the standards for registration as a pharmacist or registration of pharmaceutical premises. In the hiring of a consultant for instance, the following are all that are required:

- (i) A statement of qualifications of the consultant to provide the service;
- (ii) A statement of understanding of the procuring entity's needs;
- (iii) The methodology for providing the service;
- (iv) The timeframe for providing the service; and
- (v) The cost/fee for the service

These are quite loose and do not meet the exact needs of the general public if they there has to be transparency and accountability. For instance, there is no specification in terms of consultant qualification and as such various unqualified persons are being hired based on many other factors that are actually unethical in business practice. For effective control, there should be a registrar specifically designated to register consultants. This should be tied to qualifications. Thus a register of consultants should be maintained at the Corporate Affairs Commission with specific registers for each category of profession. Maintenance of one's name in this register should be based on an annual registration fee. This will give value and standard to consultants to be hired by various agencies. One may have therefore, to demand for certificate of registration and annual renewal of license before hiring a consultant. Where there is doubt, one can make enquiries from the Corporate Affairs Commission before engaging a consultant. This is what makes pharmacist practice full proof. The Pharmacists' Council maintains a register of all pharmacists as well as enforces annual registration with the consequent issuance of an annual license. With this, anyone hiring a pharmacist is sure of the quality of the pharmacist. This is coupled with annual professional mandatory training. This type of training can also be carried out by the Corporate Affairs Commission.

The Pharmacists Council also maintains a register of premises. With the complexity of the Corporate Affairs Commission, there could be a registrar to register different premises and different contractors. Thus, faces can be tied to types of occupation. In other words, each contractor should be registered only if there is evidence that he is operating from a premise. Such, a premise needs to be visited by staff of the Corporate Affairs Commission before a contractor is incensed as a contractor in a particular field. Thus, the number of businesses that people claim to have expertise in can be limited. This again should be subject to annual renewal, that is, both the contractor and the premise he practices from. This will greatly protect the general public from being swindled by contractors who have no fixed address and also do not have the necessary capacity to engage in certain business ventures. This will also enhance the financial capacity of the Corporate Affairs Commission as well as its corporate image.

## 4. Conclusion

In a very complex business environment such as that of Nigeria, there is the need to protect all that are involved in procuring goods and services (Adikwu, 1992; Adikwu and Ojile, 2001). The Federal Government of Nigeria set up the Corporate Affairs Commission and the Bureau for Public Procurement to ensure this protection and reduce or minimize leakages in the use of public funds. The activities of these agents can be enhanced if the methods currently used by the Pharmacists Council of Nigeria to register individual pharmacists and premises can be imitated. The

methods used are not too cumbersome but can be modified to suit any organization. Whatever is worth doing is worth doing well. After all, the Federal Government Procurement Guidelines derive largely from that of the World Bank (World Bank, 2015).

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