

SCHEDULE

Regulation 2

Amendments relating to pharmacists in Northern Ireland

PART 1

Amendment of the 1976 Order

Interpretation

1.—(1) In this Schedule, the “1976 Order” means the Pharmacy (Northern Ireland) Order 1976^{M1}.

(2) The Interpretation Act (Northern Ireland) 1954^{M2} applies to Part 3 of this Schedule as it applies to a Part of a Schedule to an Act of the Assembly.

Commencement Information

I1 Sch. para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M1 [S.R. 1976/1213](#). (N.I. 22)

M2 [1954 c.33](#).

Pharmacy (Northern Ireland) Order 1976

2. The 1976 Order is amended as follows.

Commencement Information

I2 Sch. para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In Article 2(2) (interpretation)^{M3}—

- (a) omit the definitions of “competent authorities”, “Directive [2002/58/EC](#)”, “the Directive”, “European professional card”, “exempt person”, “General Systems Regulations”; “IMI”, “IMI file”, “national”, “reference date”, “relevant European State” and “third country”;
- (b) in the definition of “registered”, omit “visiting pharmaceutical chemist from a relevant European State”;
- (c) in the definition of “registered person”, omit “, visiting pharmaceutical chemist from a relevant European State”.

Commencement Information

I3 Sch. para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M3 Relevant amending instruments are [S.R. 1987/457](#) and [2008/192](#) and [S.I. 2016/1030](#).

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

4. In Article 4A (continuing professional development)^{M4}, omit paragraphs (7)(c), (10)(b) and (14).

Commencement Information

I4 Sch. para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M4 Article 4A was inserted by S.R. 2012/308.

5. In Article 5 (regulations made by the Council: general)^{M5}, omit paragraph (1A).

Commencement Information

I5 Sch. para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M5 Paragraph (1A) was inserted by S.R. 2008/192.

6. In Article 6 (the registers)^{M6}—
- (a) in paragraph (1), omit “, and in relation to the register mentioned in sub-paragraph (d) there shall be kept,”;
 - (b) after paragraph (1)(b), insert “ and ”;
 - (c) omit paragraph (1)(d) and the “and” before it.

Commencement Information

I6 Sch. para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M6 Paragraph (1) was substituted by S.R. 2008/192.

7. In Article 8 (qualifications for registration)^{M7}—
- (a) for paragraph (2)(c), substitute—
 - “(c) every person who holds a relevant European qualification.”;
 - (b) after paragraph (2A), insert—
 - “(2B) In paragraph (2)(c), “a relevant European qualification” means a qualification that falls within Article 8A (relevant European qualifications) and has not been designated by the registrar for the purposes of this paragraph.
 - (2C) The registrar—
 - (a) may designate a qualification for the purposes of paragraph (2B) only with the approval of the Department;
 - (b) must maintain and publish a list of the qualifications that are so designated.”.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

Commencement Information

I7 Sch. para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M7 Paragraph (2)(c) was substituted by S.R. 2008/192 and paragraph (2A) was inserted by S.I. 2015/806. Relevant amending instrument is S.I. 2016/1030.

8. For Article 8A (registration by virtue of appropriate European diploma) ^{M8}, including the heading, substitute—

“Relevant European qualifications

8A.—(1) Subject to the following provisions of this Article, a qualification falls within this Article if it was awarded in a relevant European State and is listed in Annex V, point 5.6.2 of the Directive.

(2) A qualification falls within this Article only if it is accompanied, where applicable, by the certificate listed in relation to the qualification in the column entitled “Certificate accompanying the diploma” in Annex V, point 5.6.2 of the Directive.

(3) A qualification does not fall within this Article if it was awarded before the reference date, or is evidence of training begun before that date.

(4) In this Article—

- (a) “the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p22); and references in this Article to the Directive or to a provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [^{F1}IP completion day];
- (b) “reference date” means the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.6.2 of the Directive;
- (c) “relevant European State” means an EEA State or Switzerland.

Relevant European qualification: indication in the register

8ZA. Where a person is registered by virtue of Article 8(2)(c), an indication that the person has been registered in respect of a relevant European qualification shall be entered in the register against the person's name.”

Textual Amendments

F1 Words in Sch. para. 8 substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), 20(5)

Commencement Information

I8 Sch. para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

Marginal Citations

M8 Article 8A was inserted by [S.R. 1987/457](#).

9. In Article 8AA (supplementary provisions as to the necessary knowledge of English)^{M9}, omit paragraphs (5) and (7).

Commencement Information

I9 Sch. para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M9 Article 8AA was inserted by [S.I. 2015/806](#).

10. Omit Article 8B (visiting pharmaceutical chemist from a relevant European State)^{M10}.

Commencement Information

I10 Sch. para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M10 Article 8B was inserted by [S.R. 2008/192](#).

11. Omit Article 8C (professional traineeships carried out in other relevant European States, etc.)^{M11}.

Commencement Information

I11 Sch. para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M11 Article 8C was inserted by [S.R. 2016/130](#).

12. Omit Article 8D (European professional card)^{M12}.

Commencement Information

I12 Sch. para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M12 Article 8D was inserted by [S.R. 2016/130](#).

13. In Article 9(2) (the registrar)^{M13}, for “and, (c) and (d)” substitute “ and (c) ”.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

Commencement Information

I13 Sch. para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M13 Relevant amending instrument is [S.R. 2008/192](#).

14. In Article 11 (evidence of qualification to be registered) ^{M14}—

(a) after paragraph (1) insert—

“(1ZA) Article 8A does not restrict what may otherwise be done by the registrar under paragraph (1) in order to be satisfied as referred to in that paragraph.”;

(b) omit paragraph (1A).

Commencement Information

I14 Sch. para. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M14 Paragraph (1A) was inserted by [S.R. 2008/192](#).

15. Omit Article 11ZZA (appeals: decisions in relation to alerts and European professional cards) ^{M15}.

Commencement Information

I15 Sch. para. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M15 Article 11ZZA was inserted by [S.I. 2016/1030](#).

16. Omit Article 11ZZB (appeals to the Council under Article 11ZZA) ^{M16}.

Commencement Information

I16 Sch. para. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M16 Article 11ZZB was inserted by [S.I. 2016/1030](#).

17. Omit Article 11ZA (recognition of qualification of exempt persons) ^{M17}.

Commencement Information

I17 Sch. para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

Marginal Citations

M17 Article 11ZA was inserted by [S.I. 2015/806](#).

18. In Article 11A (indemnity arrangements)^{M18}, omit paragraph (12).

Commencement Information

I18 Sch. para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M18 Article 11A was inserted by [S.R. 2013/258](#).

19. In Article 14(2A) (issue of certificates of registration and penalties for failure to surrender, or abuse of, certificates)^{M19}, for “8A(1)” substitute “8ZA ”.

Commencement Information

I19 Sch. para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M19 Paragraph (2A) was inserted by [S.R. 1987/457](#). Relevant amending instrument is [S.R. 2008/192](#).

20. Omit Article 22A (the Directive: functions of competent authority, etc.)^{M20}.

Commencement Information

I20 Sch. para. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M20 Article 22A was inserted by [S.I. 2016/1030](#).

21. Omit Schedule 2A (table in respect of training in the former Czechoslovakia, the former Soviet Union or the former Yugoslavia)^{M21}.

Commencement Information

I21 Sch. para. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M21 Schedule 2A was substituted by [S.R. 2008/192](#).

22. Omit Schedule 2B (visiting pharmaceutical chemist from a relevant European State)^{M22}.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

Commencement Information

I22 Sch. para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M22 Schedule 2B was substituted by **S.R. 2008/192**.

23. Omit Schedule 2C (Directive **2005/36/EC**: European professional card) ^{M23}.

Commencement Information

I23 Sch. para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M23 Schedule 2C was inserted by **S.I. 2016/1030**.

24. Omit Schedule 2D (the Directive: functions of the Society under Article 22A) ^{M24}.

Commencement Information

I24 Sch. para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M24 Schedule 2D was inserted by **S.I. 2016/1030**.

PART 2

Amendment of other legislation

Amendments

25. In Article 63AA(3)(c) (persons providing pharmaceutical services) of [^{F2}the] Health and Personal Social Services (Northern Ireland) Order 1972 ^{M25}, for “(qualification by European diploma)” substitute “(relevant European qualification)”.

Textual Amendments

F2 Word in **Sch. para. 25** inserted (31.12.2020 immediately before IP completion day) by **The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394)**, **regs. 1(2), 20(6)**

Commencement Information

I25 Sch. para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Changes to legislation: There are currently no known outstanding effects for the *The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE*. (See end of Document for details)

Marginal Citations

M25 [S.I. 1972/1265 \(N.I. 14\)](#). Article 63AA was inserted by 2008 (N.I. 2).

26. In regulation 6(12) (pharmaceutical list) of the Pharmaceutical Services Regulations (Northern Ireland) 1997 ^{M26}, for “(qualification by European diploma)” substitute “ (relevant European qualification) ”.

Marginal Citations

M26 [S.R. 1997/381](#). Relevant amending instrument is [S.R. 2001/222](#).

27.—(1) The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations 2012 ^{M27} are amended as follows.

(2) In regulation 2 (failure to comply with the CPD framework), omit paragraph (7)(b)(ii) and the “or” before it.

(3) In regulation 3 (steps which the registrar may take), omit paragraph (3).

(4) In regulation 4 (remedial measures), omit paragraph (1)(f)(ii) and the “or” before it.

Commencement Information

I26 Sch. para. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M27 [S.R. 2012/312](#).

Revocations

28. The following instruments are revoked—

- (a) the European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 ^{M28},
- (b) the Registration of Pharmaceutical Chemists (Exempt Persons) Regulations (Northern Ireland) 2008 ^{M29}.

Commencement Information

I27 Sch. para. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M28 [S.R. 2008/192](#).

M29 [S.R. 2008/193](#).

PART 3

Transitional and saving provision relating to the amendments in Parts 1 and 2

Pending applications

29. Where an application for registration, or retention, in a part of the register kept under the 1976 Order is received before [^{F3}IP completion day], any provision made by or under that Order (except for provision contained in Schedule 2C to the Order) continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 or 2 of this Schedule.

Textual Amendments

- F3** Words in [Sch. para. 29](#) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), [regs. 1\(2\)](#), [20\(7\)\(a\)](#)

Commencement Information

- I28** [Sch. para. 29](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

[^{F4}Swiss pharmacists: saving of old law

29A.—(1) Where an application for registration in the register mentioned in Article 6(1)(a) of the 1976 Order is received from a Swiss pharmacist before the end of the period of four years beginning with the day immediately after IP completion day, any provision made by or under the 1976 Order (except for the provision contained in Schedule 2C to the Order) continues to apply in relation to the application without the amendments Parts 1 and 2 of this Schedule make to the provisions mentioned in sub-paragraph (3) (but subject to the modifications to the 1976 Order and the Registration Regulations specified in sub-paragraphs (4) and (5)).

(2) For the purposes of this paragraph, “Swiss pharmacist” means a qualifying applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) who had not, before IP completion day, made an application in the register mentioned in Article 6(1)(a) of the 1976 Order.

(3) The provisions mentioned in sub-paragraph (1) are—

(a) in the 1976 Order—

- (i) in Article 2(2), the definitions of “competent authorities”, “the Directive”, “General Systems Regulations”, and “relevant European State”,
- (ii) Article 8,
- (iii) Article 8A,
- (iv) Article 8AA,
- (v) Article 8C,
- (vi) Article 11,
- (vii) Article 11ZA,
- (viii) Article 14(2A),
- (ix) Schedule 2A;

(b) Article 63AA(3)(c) of the Health and Personal Social Services (Northern Ireland) Order 1972;

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

- (c) the European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008;
 - (d) the Registration Regulations 2008.
- (4) The modifications to the 1976 Order mentioned in sub-paragraph (1) are—
- (a) Article 2(2) is to have effect as if at the end of the definition of “General Systems Regulations” there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
 - (b) Article 8(2)(c) is to have effect as if, in the words before paragraph (i), the reference to an exempt person were a reference to a Swiss pharmacist within the meaning given in this paragraph of this Schedule;
 - (c) Article 8AA(7) is to have effect as if the reference to an exempt person were a reference to a Swiss pharmacist within the meaning given in this paragraph of this Schedule;
- (5) The modifications to the Registration Regulations mentioned in sub-paragraph (1) are that regulation 2 is to have effect as if—
- (a) in paragraph (1) for “an exempt person” there were substituted “a Swiss pharmacist (within the meaning given in paragraph 29A of the Schedule to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019)”;
 - (b) for paragraph (2), there were substituted—
 - “(2) Proof that E is a national of the United Kingdom or Switzerland or (where E is not a national of the United Kingdom or Switzerland) proof of the enforceable EU right by virtue of which E is a Swiss pharmacist.”;
 - (c) any reference in paragraphs (3) to (6) to “E’s attesting State” were a reference to Switzerland.
- (6) In this paragraph, “the Registration Regulations” means the Registration of Pharmaceutical Chemists (Exempt Persons) Regulations (Northern Ireland) 2008.]

Textual Amendments

- F4** Sch. para. 29A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **20(7)(b)**

Commencement Information

- I29** Sch. para. 29A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Visiting practitioners from relevant European States – saving of old law for up to [^{F5}five years]

30.—(1) Where, immediately before [^{F6}IP completion day]—

- (a) a visiting practitioner was entitled under paragraph 4 or 7 of Schedule 2B to the 1976 Order to provide occasional pharmacy services, or
- (b) the registrar was in receipt of the required documents (within the meaning of paragraph 5 of that Schedule) from a visiting practitioner seeking to acquire that entitlement,

any provision made by an Act or instrument amended by Part 1 or 2 of this Schedule continues to apply in relation to the practitioner without the amendments that Part 1 or 2 of this Schedule makes

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

to the provisions relating to visiting practitioners from relevant European States [^{F7}(but subject, in the case of a Swiss visiting practitioner, to the modifications to the 1976 Order specified in sub-paragraph (4))].

(2) But a visiting practitioner's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2B to the 1976 Order on or after [^{F8}IP completion day] (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

[^{F9}(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting practitioner.

(2B) But a Swiss visiting practitioner's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2B to the 1976 Order after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph—

“Swiss visiting practitioner” means a visiting practitioner who is—

- (a) a national of the United Kingdom,
- (b) a national of Switzerland, or
- (c) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a particular profession, no less favourably than a national of either of those states;

“visiting practitioner transitional period” means—

- (a) the period of five years beginning with IP completion day, or
- (b) if the period in paragraph (a) is extended in accordance with Article 23(2) of the Swiss citizens' rights agreement, that period as extended.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting practitioners from relevant European States” is to the provisions listed in the following table.

<i>Instrument</i>	<i>Provisions relating to visiting practitioners</i>
The 1976 Order	In Article 2(2), the definitions of “competent authorities”, “exempt person”, “General Systems Regulations”, “national”, “registered”, “relevant European State” and “registered person” Article 4A(7)(c), (10)(b) and (14) Article 5(1A) Article 6(1) Article 8B Article 9(2) Article 11A(12) Schedule 2B
The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012	Regulation 2(7)(b)(ii) Regulation 3(3)

Regulation 4(1)(f)(ii)

- [^{F10}(4) The modifications to the 1976 Order mentioned in sub-paragraph (1) are—
- (a) Article 2(2) is to be read as if, in the definition of “competent authorities” for “a relevant European State” there were substituted “Switzerland”;
 - (b) Article 4A(14) is to be read as if for the words from “the relevant” to the end there were substituted “Switzerland”;
 - (c) Schedule 2B is to be read as if—
 - (i) for paragraph 1, there were substituted—

“1. This Schedule applies to a Swiss visiting practitioner (within the meaning given in paragraph 30(2C) of the Schedule to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019) who is lawfully established as a pharmacist in Switzerland.”;
 - (ii) in paragraph 2—
 - (aa) before sub-paragraph (a), there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day.”;
 - (bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;
 - (cc) in sub-paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;
 - (dd) in sub-paragraph (c), after “basis” there were inserted—

“—

 - (i) on the basis of one or more existing contracts, and
 - (ii) for a period not exceeding 90 days in total in any calendar year.”;
 - (iii) in paragraph 5(2)—
 - (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
 - (bb) in paragraph (c), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;
 - (iv) in paragraph 7(6), after paragraph (a), there were inserted—

“(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy services will continue to be provided;”,
and
 - (v) in paragraph 8(5), after paragraph (a), there were inserted—

“(aa) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires; or”.]

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

Textual Amendments

- F5** Words in Sch. para. 30 heading substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(c)(i)**
- F6** Words in Sch. para. 30(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(c)(iii)**
- F7** Words in Sch. para. 30(1) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(c)(ii)**
- F8** Words in Sch. para. 30(2) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(c)(iii)**
- F9** Sch. para. 30(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(c)(iv)**
- F10** Sch. para. 30(4) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(c)(v)**

Commencement Information

- I30** Sch. para. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

European professional card

- 31.**—(1) Sub-paragraph (2) applies where, immediately before [^{F11}IP completion day]—
- (a) a person held a valid European professional card for establishment as a pharmaceutical chemist in Northern Ireland, or
 - (b) the Society was in receipt of a person's application for such a card, the application having been transmitted to it under Article 4d(1) of the Directive.
- (2) For the purposes of registration in the register kept under the 1976 Order, the person is not required to resubmit any document or evidence held by the Society which is derived from the person's IMI file and which does not appear to the Society to have become invalid.
- (3) In this paragraph—
- (a) “the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), as it had effect immediately before [^{F12}IP completion day];
 - (b) “IMI file” has the meaning given by Article 2 of the 1976 Order as it had effect immediately before [^{F12}IP completion day].

Textual Amendments

- F11** Words in Sch. para. 31(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(d)**

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

F12 Words in Sch. para. 31(3) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(d)**

Commencement Information

I31 Sch. para. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

32.—(1) Where immediately before [^{F13}IP completion day], a person was entitled as mentioned in paragraph 15(2) of Schedule 2C to the 1976 Order, any provision made by or under that Order continues to apply in relation to the person without the amendments made by Part 1 or 2 of this Schedule to the provisions relating to the provision of occasional pharmacy services by holders of a European professional card.

(2) For the purposes of paragraph 15(4)(a) of Schedule 2C to the 1976 Order as it continues to apply by virtue of sub-paragraph (1), a European professional card that was transmitted as mentioned in paragraph 15(1)(a) of that Schedule is to be treated as becoming invalid on the expiry of the period of 18 months beginning with the day on which it was transmitted.

(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional pharmacy services by holders of a European professional card” is to the provisions listed in the following table.

<i>Instrument</i>	<i>Provisions relating to visiting practitioners holding a European professional card</i>
The 1976 Order	In Article 2(2), the definitions of “competent authorities”, “European professional card”, “General Systems Regulations”, “IMI”, “IMI file”, “registered”, “relevant European State” and “registered person” Article 4A(7)(c), (10)(b) and (14) Article 5(1A) Article 6(1) Article 8B Article 8D Article 9(2) In Schedule 2C, paragraphs 2 (except the definitions of “EPC holder” and “missing document”), 15 and 16
The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012	Regulation 2(7)(b)(ii) Regulation 3(3) Regulation 4(1)(f)(ii)

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE. (See end of Document for details)

Textual Amendments

F13 Words in Sch. para. 32(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(d)**

Commencement Information

I32 Sch. para. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

33.—(1) A decision within Article 11ZZA(b) of the 1976 Order taken before exit day, or a failure within Article 11ZZA(c) of that Order arising before [^{F14}IP completion day], continues to be appealable for the purposes of Article 11ZZB of that Order (subject to the provisions of the Order) despite the revocation of Article 11ZZA(b) and 11ZZA(c).

(2) In disposing of such an appeal, the powers of the Council are, instead of those set out in Article 11ZZB(4), to—

- (a) dismiss the appeal;
- (b) allow the appeal and direct the Society to take such steps as the Council thinks fit to draw the findings of the Council to the European Commission; or
- (c) direct that the person in respect of whom the decision was taken (or the failure arose) is to be treated, for the purposes of paragraph 31(1)(a), as a person who held a valid European professional card for establishment as a pharmaceutical chemist in Northern Ireland immediately before [^{F15}IP completion day].

Textual Amendments

F14 Words in Sch. para. 33(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(d)**

F15 Words in Sch. para. 33(2)(c) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(d)**

Commencement Information

I33 Sch. para. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

IMI Alerts

34.—(1) Where an alert has been sent by the Society before [^{F16}IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015(a) (as they had effect before [^{F16}IP completion day]), the decision to send the alert continues to be appealable for the purposes of Article 11ZZA of the 1976 Order (subject to the provisions of that Order) despite the revocation of Article 11ZZB.

(2) In disposing of such an appeal, the powers of the Council are, instead of those set out in Article 11ZZB(4), to—

- (a) dismiss the appeal, or

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- (b) allow the appeal and direct the Society to take such steps as the Council thinks fit to draw the findings of the Council to the attention of the European Commission.

Textual Amendments

F16 Words in Sch. para. 34(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(d)**

Commencement Information

I34 Sch. para. 34 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Interpretation of Saved Provisions

35. Where a provision continues to apply by virtue of this Part, it is to be read as if—

(a) in Article 2(2) of the 1976 Order—

(i) there were substituted for the definition of “the Directive”—

““the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [F17IP completion day];”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [F17IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(iii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—

“(a) a person who, immediately before [F17IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [F17IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of pharmacy by virtue of an enforceable EU right, or

(c) a person who, immediately before [F17IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession of pharmacy, no less favourably than a national of relevant European State;”;

(iv) in the definition of “General Systems Regulations”, after “S.I. 2015/2059” there were inserted—

“(a) in relation to anything done before [F17IP completion day], as they had effect at that time;

(b) otherwise, as (and only to the extent that) they have effect on and after [F17IP completion day], in relation to an entitlement which arose before

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[^{F17}IP completion day] or arises after as a result of something done before [^{F17}IP completion day];”;

- (b) in any reference to “a relevant European State other than the United Kingdom”, the words “other than the United Kingdom” were omitted.

Textual Amendments

- F17** Words in Sch. para. 35(a) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **20(7)(d)**

Commencement Information

- I35** Sch. para. 35 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019, SCHEDULE.