

## Schedules

### SCHEDULE 4

Section 56.

#### REGULATION OF THE PROFESSION OF PHARMACEUTICAL CHEMIST

##### **Matters generally within the scope of an order**

1. An order may make provision, in relation to the profession, for any of the following matters (among others)—

- (a) the constitution of the Council;
- (b) keeping a register of members admitted to practice;
- (c) education and training before and after admission to practice;
- (d) privileges of members admitted to practice;
- (e) standards of conduct and performance;
- (f) discipline and fitness to practise;
- (g) investigation and enforcement by or on behalf of the Council;
- (h) appeals;
- (i) default powers exercisable by a person other than the Council.

##### **Manner of exercise of power**

2.—(1) The power to make an order may be exercised by amending or repealing any statutory provision (including the Pharmacy (Northern Ireland) Order 1976 (NI 22)) and any other instrument or document.

(2) But an order may not amend any provision of the Medicines Act 1968 (c. 67) other than one contained in Part IV of that Act (pharmacies).

3. The power may be exercised so as to make provision for the delegation of functions, including provision conferring power to make, confirm or approve subordinate legislation.

4. The power may be exercised so as to make provision for the charging of fees.

5. The power may be exercised so as to—

- (a) confer functions (including power to pay grants) on Northern Ireland Ministers or departments; or
- (b) modify their functions.

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*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, SCHEDULE 4. (See end of Document for details)*

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6. The power may not be exercised so as to create any criminal offence, except an offence punishable on summary conviction with a fine not exceeding the amount specified as level 5 on the standard scale.

#### **Matters outside the scope of an order**

7.—(1) An order may not abolish the Council.

(2) An order may not impose any requirement which would have the effect that a majority of the members of the Council would be persons not included in the register of members admitted to practice.

8.—(1) An order may not provide for any person other than the Council or any of its [committees or] officers to exercise any of the following functions—

- (a) keeping the register of members admitted to practice;
- (b) determining standards of education and training for admission to practice;
- (c) giving advice about standards of conduct and performance.

(2) An order may not provide for any functions conferred by Part IV of the Pharmacy (Northern Ireland) Order 1976 to be exercised otherwise than by the committee appointed under Article 19 of that Order.

#### **Preliminary procedure for making an order**

9.—(1) No order shall be made unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(2) If it is proposed to lay a draft of an order before the Assembly, the Department must first—

- (a) publish a draft of the order; and
- (b) invite representations to be made to the Department about the draft by—
  - (i) persons appearing to the Department appropriate to represent the profession,
  - (ii) persons appearing to the Department appropriate to represent those provided with services by the profession; and
  - (iii) any other persons appearing to the Department appropriate to consult about the draft.

(3) After the end of the period of three months beginning with the publication of the draft, the Department may lay before the Assembly the draft as published or that draft with any modifications it considers appropriate, together with a report about the consultation.

#### **Interpretation and application**

10. In this Schedule—

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“the Council” means the Council of the Pharmaceutical Society of Northern Ireland;

“order” means an order under section 56;

“the profession” means the profession of pharmaceutical chemist.

**11.** References to regulation of the profession in section 56 include—

- (a) the regulation of persons seeking admission to practice or who were, but are no longer, allowed to practise as members of the profession;
- (b) the regulation of activities carried on by persons who are not members of the profession but which are carried on in connection with the practice of the profession,

but do not include regulation in relation to any matters for which, by virtue of paragraph 12 of Schedule 3 to the Health Act 1999 (c. 8), provision may be made by an Order in Council under section 60 of that Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, SCHEDULE 4.