STATUTORY INSTRUMENTS

# 1976 No. 1213

# Pharmacy (Northern Ireland) Order 1976

## PART I

## INTRODUCTORY

### Title and commencement

**1.** This Order may be cited as the Pharmacy (Northern Ireland) Order 1976 … *Commencement* …

### Interpretation

**2.**—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Act of 1925" means the Pharmacy and Poisons Act (Northern Ireland) 1925 ;

"the Act of 1945" means the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 ;

"approved bye-laws" means bye-laws—

(a) submitted by the Council to a meeting of the Society called, after at least fourteen days' notice of the meeting has been served on every person appearing to be a member of the Society, for the purpose of approving bye-laws so submitted (whether or not the meeting has been called for any other purposes in addition), being a meeting at which at least thirty members of the Society are present; and

(b) approved by a majority of the members present and voting at such a meeting;

"associate" has the meaning assigned to it by paragraph 3(1) of Part I of Schedule 1;

"certificate of registration" has the meaning assigned to it by Article 12(3);

**[**[F1] " competent authorities " means any authority or body of a relevant European State designated by that State for the purposes of the Directive as competent to—

(a) receive or issue evidence of qualification or other information or documents,

(b) receive applications and take decisions referred to in the Directive in connection with the practice of pharmacy;**]**

"the Council" means the Council of the Society;

"the Department" means the Department of Health and Social Services;

**[**[F2] " 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 and references in this Order to the Directive, or to any provision of the Directive, are references to the Directive, or to that provision of the Directive, as amended from time to time; **]**

**[**[F3]"electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act (Northern Ireland) 2001 (general interpretation);**]**

"enactment" has the meaning assigned to it by section 1( *b*) of the Interpretation Act (Northern Ireland) 1954;

**[**F4 " exempt person " means

(a) a national of a relevant European State other than the United Kingdom;

(b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession of pharmacy by virtue of an enforceable Community right; or

(c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community 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 a relevant European State;

" General Systems Regulations " means the European Communities (Recognition of Professional Qualification) Regulations 2007;" **]**

**[**F5"lay member" means a person who–

(a) is not and has never been a registered person: and

(b) does not hold qualifications which would entitle him to apply for registration under this Order.**]**

"the Medicines Act" means the Medicines Act 1968 ;

"member" has the meaning assigned to it by paragraph 2 of Part I of Schedule 1;

**[**F6 "national", in relation to a **[**F7 relevant European State **]** , means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services; **]**

"the Pharmacy Inspector" means the inspector appointed under Article 24(1);

"prescribed" means prescribed by regulations under Article 5;

"registered" means in relation to a pharmaceutical chemist, **[**F8visiting pharmaceutical chemist from a relevant European State**]** druggist or student, registered in the appropriate register under Article 6;

"registered person" means a person registered as a pharmaceutical chemist **[**F9,visiting pharmaceutical chemist from a relevant European State**]** or druggist;

"registered pharmacy" has the meaning assigned to it by section 74 of the Medicines Act;

"the registrar" means the registrar appointed under Article 9(1);

**[**F10 " reference date " in relation to a relevant European State, means the date specified in relation to that State in the column entitled "Reference date" in Annex V, point 5.6.2. of the Directive;

**[**F11"regulatory body" means a regulatory body which has the function of authorising persons to practise as a member of a health or social care profession;**]**

" relevant European State " means an EEA State or Switzerland;" **]**

"retail pharmacy business" has the meaning assigned to it by **[**F12regulation 8(1) of the Human Medicines Regulations 2012**]**;

**[**F13"Scrutiny Committee" means the committee established under paragraph 2(4) of Schedule 2;**]**

"the Society" means the Pharmaceutical Society of Northern Ireland;

"the Statutory Committee" means the Committee continued under Article 19(1);

"student" means a registered student.

**F1** Art. 2(2): definition of "competent authorities" inserted (22.5.2008) by European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R. 2008/192), **reg. 3(a)**

**F2** Art. 2(2): definition of "the Directive" inserted (22.5.2008) by European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R. 2008/192), **reg. 3(b)**

**F3** Words in art. 2(2) inserted (1.10.2012) by The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308), arts. 1(1), **2(a)** (with Sch. 3)

**F4** Art. 2(2): definitions of "exempt person" and "General Systems Regulations" inserted (22.5.2008) by European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R. 2008/192), **reg. 3(c)**

**F5** Words in art. 2(2) inserted (1.10.2012) by The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308), arts. 1(1), **2(b)** (with Sch. 3)

**F6** SR 1987/457

**F7** Words in art. 2(2) in definition of "national" substituted (22.5.2008) by European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R. 2008/192), **reg. 3(d)**

**F8** Words in art. 2(2) in definition of "registered" inserted (22.5.2008) by European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R. 2008/192), **reg. 3(e)**

**F9** Words in art. 2(2) in definition of "registered person" inserted (22.5.2008) by European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R. 2008/192), **reg. 3(f)**

**F10** Art. 2(2): definitions of "reference date" and "relevant European State" inserted (22.5.2008) by European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R. 2008/192), **reg. 3(g)**

**F11** Words in art. 2(2) inserted (1.10.2012) by The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308), arts. 1(1), **2(c)** (with Sch. 3)

**F12** Words in art. 2(2) substituted (14.8.2012) by virtue of The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 47** (with Sch. 32)

**F13** Words in art. 2(2) inserted (1.10.2012) by The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308), arts. 1(1), **2(d)** (with Sch. 3)

**Status:**
Point in time view as at 01/10/2012.

**Changes to legislation:**
Pharmacy (Northern Ireland) Order 1976, PART I is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.