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## STATUTORY INSTRUMENTS

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# 1976 No. 1213

## Pharmacy (Northern Ireland) Order 1976

### PART III

#### REGISTRATION OF PHARMACEUTICAL CHEMISTS, DRUGGISTS AND STUDENTS

##### The registers

6.—<sup>F1</sup>(1) In relation to the registers mentioned in sub-paragraphs (a), (b) and (c) there shall continue to be kept, and in relation to the register mentioned in sub-paragraph (d) there shall be kept, in accordance with the succeeding provisions of this Order,—

- (a) a register of pharmaceutical chemists;
- (b) a register of druggists;
- (c) a register of students; and
- (d) a register of visiting pharmaceutical chemists from a relevant European State.]

(2) Registration under this Order shall not entitle any person so registered to practice medicine or surgery or any branch of medicine or surgery.

**F1** Art. 6(1) substituted (22.5.2008) by [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), [reg. 5](#)

##### Examinations

7.—(1) For the purpose of ascertaining the proficiency in any subjects of persons desirous of being registered under this Order as pharmaceutical chemists, the Council may cause examinations to be held at such times and in such manner as may be prescribed, and shall appoint examiners to conduct any such examinations.

(2) A person shall not conduct any such examination until his appointment has been approved by the Head of the Department, and such appointment shall not continue in force for more than five years except with the consent of the Head of the Department on application being made by the Council.

(3) The Society shall allow the Pharmacy Inspector or any other officer appointed by the Department for that purpose to be present during the progress of any examination held for the purposes of this Order.

(4) Examiners appointed to conduct any examination under this Article may, after such examination, grant or refuse to the persons taking part in the examination, as the examiners in their discretion may consider fit, recognition of the proficiency of such persons in the subjects of the examination, or any of them.

(5) The Council may make arrangements for the holding of examinations for the purposes of this Order with—

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- (a) any university in Northern Ireland;
  - (b) any institution of further education or other body in Northern Ireland which may be prescribed for the holding of such examinations.
- (6) For the purpose of ascertaining the proficiency of candidates in any subject, the Council may recognise—
- (a) the examinations of, or any examinations accepted by—
    - (i) any university in Northern Ireland; or
    - (ii) any institution or body such as is referred to in paragraph (5)( b) which is prescribed for the purposes of this paragraph;
  - (b) the examinations of—
    - (i) any other university in the United Kingdom;
    - (ii) any body in the United Kingdom which is recognised by the Council as a body of comparable academic status to a university and is prescribed for the purposes of this paragraph.

### **Qualifications for registration**

8.—(1) Every person who possesses the prescribed qualifications and gives to the registrar such reasonable proof of such qualifications as may be prescribed shall, upon payment to the Society of the proper fees (if any), be entitled to be registered as a student under this Order.

(2) [<sup>F2</sup>Subject to paragraph (2A),] The following persons shall, upon payment to the Society of the proper fees (if any), be entitled to be registered under this Order as pharmaceutical chemists—

- (a) every person who, immediately before the commencement of this Order, was entitled to be registered as a pharmaceutical chemist under the Act of 1925;
- (b) every person who—
  - (i) is registered as a student;
  - (ii) has been duly examined in such subjects as may be prescribed and has obtained from the examiners recognition of his proficiency therein; or possesses such qualifications as may be prescribed and, having been duly examined in any additional subject which may be prescribed for a person of those qualifications, has obtained from the examiners recognition of his proficiency in that subject;
  - (iii) has undergone such a course of practical training as may be prescribed; and
  - (iv) has attained the age of twenty-one years;

and who gives to the registrar such reasonable proof of those facts as may be prescribed.

[<sup>F3</sup>(c) every exempt person—

- (i) who holds an appropriate European diploma; or
- (ii) (aa) whose case falls within regulation [<sup>F4</sup>3(8)(a) or (e)] of the General Systems Regulations,
- (bb) to whom regulations [<sup>F5</sup>27 to 34] of those regulations apply by reason of the operation of regulation [<sup>F6</sup>3(5)] of those regulations, and
- (cc) who is permitted to pursue the profession of pharmacy in the United Kingdom by virtue of Part 3 of those regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those regulations).]

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[<sup>F2</sup>(2A) A person shall not be entitled to be registered under this Order as a pharmaceutical chemist by virtue of paragraph (2)(b) or (c) unless he satisfies such conditions (if any) as to character, physical or mental health [<sup>F7</sup>, the necessary knowledge of English] or other matters as may be prescribed.]

(3) Every person who, immediately before the commencement of this Order, was entitled to be registered as a druggist under the Act of 1925 shall, upon payment of the proper fees (if any), be entitled to be registered as a druggist under this Order.

(4) Notwithstanding anything in paragraph (2), the Council may, if it thinks fit, cause to be registered under this Order as a pharmaceutical chemist any person (other than a person such as is described in paragraph (2)(a)[<sup>F8</sup> or (c)] who is a member of a prescribed pharmaceutical society outside Northern Ireland and who—

- (a) satisfies the Council as to his competence to practise as a pharmaceutical chemist;
- (b) pays to the Society the proper fees (if any) for registration; and
- (c) complies with such other conditions as may be prescribed.

[<sup>F9</sup>(5) Where a person—

- (a) gives to the registrar such reasonable proof as may be prescribed that he satisfies the prescribed requirements for a particular annotation to be recorded against his name in the register of pharmaceutical chemists in accordance with regulations under Article 5(1)(ff); and
- (b) pays the prescribed fee to the Society,

he shall be entitled to have that annotation recorded against his name in that register.]

**F2** 1994 NI 2

**F3** Art. 8(2)(c) substituted (22.5.2008) by [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), **reg. 6**

**F4** Words in art. 8(2)(c)(ii)(aa) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **19(2)** (with reg. 155)

**F5** Words in art. 8(2)(c)(ii)(bb) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **19(3)(a)** (with reg. 155)

**F6** Word in art. 8(2)(c)(ii)(bb) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **19(3)(b)** (with reg. 155)

**F7** Words in art. 8(2A) inserted (1.6.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), 7; S.I. 2015/1451, art. 6(a)

**F8** SR 1987/457

**F9** SR 2004/78

#### Modifications etc. (not altering text)

**C1** Art. 8(2)(c) power to restrict conferred by S.I. 1972/1265 (N.I. 14), art. 63AA(3)(c) (as inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\)](#), **ss. 10(3)**, 18(1)(a))

#### [<sup>F10</sup>Registration by virtue of appropriate European diploma

**8A.**—(1) Where a person is registered by virtue of Article 8(2)(c) an indication that he has been registered in respect of an appropriate European diploma shall be entered in the register against his name.

[  
<sup>F11</sup>(1A) <sup>F12</sup>.....]

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[<sup>F13</sup>(2) [<sup>F14</sup>Subject to paragraph (7)] the following diplomas are appropriate European diplomas for the purposes of article 8(2)(c)(i), namely—

- (a) a diploma listed in Annex V, point 5.6.2 of the Directive which has been granted in a relevant European State after its reference date and which is evidence of training commenced after that date, provided that the diploma is accompanied, where appropriate, by the certificate listed in relation to that State in the column of Annex V, point 5.6.2 of the Directive entitled “Certificate accompanying the diploma”; or
  - (b) any diploma which—
    - (i) subject to paragraph (3), has been granted in a relevant European State before its reference date or which is evidence of training commenced before that date but completed on or after that date,
    - (ii) subject to paragraph (4), was awarded by the competent authorities of, or which is evidence of training started in, the territory specified in column (b) of the table in Schedule 2A before the date specified in the corresponding entry in column (a) of that table,
    - (iii) subject to paragraph (5), is evidence of training commenced before 3<sup>rd</sup> October 1990 and undertaken in the territory of the former German Democratic Republic, or
    - (iv) subject to paragraph (6), does not fall within heads (i) to (iii) and is not listed in Annex V, point 5.6.2 of the Directive but which is a diploma in pharmacy granted in a relevant European State on or after its reference date.
- (3) A diploma to which paragraph (2)(b)(i) applies is only an appropriate European diploma if—
- (a) in the case of a diploma which is listed in Annex V, point 5.6.2 of the Directive—
    - (i) the registrar is satisfied (by means of a certificate from the relevant competent authorities or otherwise) that the diploma guarantees that the holder's training satisfies the requirements of Article 44 of the Directive (requirements for pharmacists' training), and
    - (ii) the diploma is accompanied, where appropriate, by the certificate listed in relation to the relevant European State in which the diploma was awarded in the column of Annex V, point 5.6.2 of the Directive entitled “Certificate accompanying the diploma”;
  - (b) in the case of a diploma which is not listed in Annex V, point 5.6.2 of the Directive, the diploma is accompanied by a certificate from the competent authorities of the relevant European State in which the diploma was awarded which attests that the diploma—
    - (i) is evidence of training which satisfies the requirements of Article 44 of the Directive, and
    - (ii) is treated by the competent authorities of the relevant European State in which it was awarded as equivalent to a diploma listed in relation to that State in Annex V, point 5.6.2 of the Directive, and the certificate is made available to the registrar: or
  - (c) whether or not the diploma is listed in Annex V, point 5.6.2 of the Directive, the competent authorities of a relevant European State have certified that the holder has, in a relevant European State, been effectively and lawfully engaged in the practice of an activity open to pharmacists in that State for at least three consecutive years during the five years preceding the date of the certificate, and the certificate is made available to the registrar.
- (4) A diploma to which paragraph (2)(b)(ii) applies is only an appropriate European diploma if—
- (a) the competent authorities of the relevant European State specified in the appropriate row of column (c) of the table in Schedule 2A have certified that the diploma has, in its territory,

- the same legal validity as regards access to the practice of pharmacy as the diploma listed in Annex V, point 5.6.2 of the Directive in respect of their State;
- (b) those competent authorities have also certified that the holder of the diploma has, in the relevant European State specified in the appropriate row of column (c) of the table in Schedule 2A, been effectively and lawfully engaged in the practice of an activity open to pharmacists in that State for at least three consecutive years during the five years preceding the date of that certificate; and
- (c) the certificates are made available to the registrar.
- (5) A diploma to which paragraph (2)(b)(iii) applies is only an appropriate European diploma if—
- (a) the diploma entitles its holder to practice pharmacy throughout the territory of Germany on the same conditions as those that apply to the holder of the diploma listed in Annex V, point 5.6.2 of the Directive in respect of Germany; and
- (b) the competent authorities in Germany have certified that the holder of the diploma has been effectively and lawfully engaged in Germany in the practice of an activity open to pharmacists in Germany for at least three consecutive years during the five years preceding the date of that certificate; and
- (c) the certificate is made available to the registrar.
- (6) A diploma to which (2)(b)(iv) applies is only an appropriate European diploma if—
- (a) the competent authorities of the European State that awarded it have certified that the diploma—
- (i) is evidence of training which satisfies the requirements of Article 44 of the Directive, and
- (ii) is treated by them as equivalent to a diploma listed in Annex V, point 5.6.2 of the Directive in respect of their State; and
- (b) the certificates are made available to the registrar.
- (7) A diploma is only an appropriate European diploma if—
- (a) in a case where the registrar or the Council has justified doubts about the authenticity of the diploma made available to the registrar and has required of the relevant competent authorities confirmation of the authenticity of the evidence, the relevant competent authorities have confirmed the authenticity of the evidence;
- (b) in a case where the registrar or the Council has justified doubts about whether the holder of the diploma has completed training which satisfies the requirements of Article 44 of the Directive, and has required of the relevant competent authorities confirmation of completion of such training, the relevant competent authorities have confirmed completion of such training;
- (c) in a case where the registrar or the Council has justified doubts concerning training received in a relevant European State other than that in which the diploma was awarded, and has required confirmation of the relevant competent authorities in accordance with Article 50(3) of the Directive, the relevant competent authorities have provided confirmation in accordance with that Article.]]

**F10** SR 1987/457

**F11** SR 1996/393

**F12** Art. 8A(1A) revoked (22.5.2008) by [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), **reg. 7(1)**

**F13** Art. 8A(2)-(7) substituted (22.5.2008) by [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), **reg. 7(2)**

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**F14** Words in art. 8A(2) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, 20 (with reg. 155)

**[<sup>F15</sup>Supplementary provisions as to the necessary knowledge of English**

**8AA.—**(1) The Society must publish guidance about—

- (a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under regulations made under Article 5(1) by virtue of Article 5(1B) that the applicant has the necessary knowledge of English; and
- (b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in sub-paragraph (a).

(2) The registrar must have regard to the guidance published under paragraph (1) in determining whether the registrar is satisfied as mentioned in paragraph (1)(a).

(3) Paragraphs (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant's application, the registrar is not satisfied under Article 5(1B) that the applicant has the necessary knowledge of English.

(4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.

(5) The registrar may not exercise any power under paragraph (4) unless the registrar has complied with any duty under Article 11ZA(2).

(6) The registrar may require the applicant—

- (a) to undergo an examination or other assessment; and
- (b) to provide information in respect of that examination or assessment,

within such period as the registrar may specify.

(7) In the case of an applicant who is an exempt person, the registrar may not exercise the power under paragraph (6) without having first—

- (a) exercised the power under paragraph (4); and
- (b) considered any further evidence, information or documents provided by the applicant.

(8) Guidance published under paragraph (1) may make different provision in relation to different cases or classes of case.

(9) Before issuing such guidance or varying or withdrawing it, the Society must consult such persons, or representatives of such persons, as it considers appropriate including, as it sees fit—

- (a) registered pharmaceutical chemists;
- (b) employers of registered pharmaceutical chemists;
- (c) users of services of registered pharmaceutical chemists; and
- (d) the Regional Health and Social Care Board.

(10) In this article, references to an applicant are to a person desirous of being registered as a pharmaceutical chemist under this Order.]

**F15** Art. 8AA inserted (1.6.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), 8; S.I. 2015/1451, art. 6(a)

## [<sup>F16</sup>Visiting pharmaceutical chemist from a relevant European State

**8B.** Schedule 2B (visiting pharmaceutical chemist from a relevant European State) shall have effect.]

**F16** Art. 8B inserted (22.5.2008) by [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), **reg. 8**

## [<sup>F17</sup>Professional traineeships carried out in other relevant European States, etc.

**8C.**—(1) If a person is required to carry out a professional traineeship of a particular standard in order to be appropriately qualified to be registered in the register of pharmaceutical chemists, a professional traineeship of an equivalent standard which has been carried out by a person whose home Member State is the United Kingdom and which satisfies the conditions in paragraph (2) is treated as meeting that requirement.

(2) The conditions are that—

- (a) at least three quarters of the time of which the professional traineeship consisted, or such lesser proportion as the Society may consider appropriate in any particular case, was spent in the United Kingdom; and
- (b) the remaining time of which the professional traineeship consisted was spent in another relevant European State.

(3) Paragraph (4) applies if—

- (a) a person whose home Member State is the United Kingdom applies to the registrar to be registered as a pharmaceutical chemist; and
- (b) the person has carried out a professional traineeship, all or part of which was carried out in a third country.

(4) The registrar must take the professional traineeship into account when considering whether the person satisfies any requirement as to the qualifications needed in order to be registered in the register of pharmaceutical chemists which includes a requirement to carry out a professional traineeship in the United Kingdom.

(5) The Society must publish guidelines on the organisation and recognition of professional traineeships carried out in relevant European States and third countries (including, in particular, guidelines on the role of the supervisor of the professional traineeship).

(6) In this Article, “home Member State” has the meaning given in article 1 of the Directive.

**F17** Arts. 8C, 8D inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), **regs. 1, 21** (with **reg. 155**)

## European professional card

**8D.**—(1) Schedule 2C ([Directive 2005/36/EC](#): European professional card) has effect.

(2) The Society may charge a reasonable fee to cover the costs of processing an application for or in relation to a European professional card under Schedule 2C.

(3) The Council must determine, and the Department must approve, the amount which the Society may charge under paragraph (2).]

[<sup>F18</sup>(4) In Schedule 2C, “the GDPR” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing

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of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018.]

- F17** Arts. 8C, 8D inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **21** (with reg. 155)
- F18** Art. 8D(4) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 13** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

### The registrar

9.—(1) The Department may appoint a fit and proper person as a registrar for the purposes of this Order.

(2) The registrar shall make out and maintain the registers mentioned in Article 6(1)( a ), ( b ) and<sup>F19</sup>(c) and (d)] as complete and separate registers of all persons registered respectively in respect of the several qualifications for registration prescribed by this Order.

(3) Each register shall be divided into such separate parts as may be required for the purposes of this Order, and in each register or separate part thereof the names shall be in alphabetical order according to the surnames, with the respective residences entered opposite to such names.

(4) The registrar shall also keep proper indexes of the registers and all such other lists as may be required and as may be necessary for giving effect to this Order and to the regulations made thereunder.

(5) The registrar shall keep each such register correctly and strike off the names of all registered persons as and when they die or are removed from any such register, and shall make any necessary alterations in the addresses of the persons registered under this Order.

- F19** Words in art. 9(2) substituted (22.5.2008) by [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), **reg. 9**

### Power of registrar to require information

10.—(1) The registrar may—

- (a) serve notice in writing on any registered person requiring him, within two months from the service of the notice, to state in writing whether he has ceased to carry on business or has changed his residence, and, where that person fails to comply with that notice, serve a second such notice;
- (b) where, within four months from the service of the first notice under sub-paragraph ( a ), a registered person has failed to comply with either of the notices mentioned in that sub-paragraph, strike the name of that person off the register, but subject to the restoration of that name by the direction of the Council if it thinks fit to make an order to that effect.

(2) The registrar may at any time serve notice in writing on the occupier of any premises where a retail pharmacy business is carried on requiring the occupier, within seventeen days from the service of the notice to furnish in writing to the registrar a statement of the name and address of the bona fide proprietor of the business, and, if such proprietor does not personally manage and conduct the business, the name of the duly qualified manager or assistant managing or conducting the business and the description of his qualification.

(3) Where a person on whom a notice has been served under paragraph (2), fails to comply with the notice, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F20</sup> level 2 on the standard scale].



(4) Where a person is convicted under paragraph (3) in respect of a failure to comply with a notice and the failure continues after conviction he shall be guilty of a further offence under paragraph (3) and shall be liable on summary conviction, in addition to the fine specified in that paragraph, to a fine not exceeding<sup>[F20]</sup> level 1 on the standard scale] for every day subsequent to the day on which he is first convicted of an offence under that paragraph on which the failure continues.

(5) Where a person on whom a notice has been served under paragraph (2), fails to comply with the notice, a retail pharmacy business shall not be carried on the premises and any person carrying on such a business in contravention of this paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F20]</sup> level 2 on the standard scale], unless he proves to the satisfaction of the court that he did not know of the failure to comply with the notice.

**F20** 1984 NI 3

### **Evidence of qualification to be registered**

**11.**—(1) A name shall not be entered in any register kept under this Order unless the registrar is satisfied by the proper evidence that the person applying for the registration is entitled by virtue of this Order to be registered; and the registrar shall notify the secretary of the Society before entering a name in any of those registers.

<sup>[F21]</sup>(1A) The registrar shall enter the name of a person whom the Society has directed him to register in the appropriate register kept under this Order for the purposes of the General Systems Regulations.]

(2) The secretary of the Society or a person aggrieved by any decision of the registrar may appeal from that decision to the Council which may decide the appeal; and any entry which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made may be struck off, or amended in, the register <sup>[F22]</sup>under this Article]under an order made by the Council in writing.

**F21** Art. 11(1A) inserted (22.5.2008) by [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), **reg. 10**

**F22** Words in art. 11(2) inserted (1.10.2012) by [The Pharmacy \(1976 Order\) \(Amendment\) Order \(Northern Ireland\) 2012 \(S.R. 2012/308\)](#), arts. 1(1), **6** (with Sch. 3)

### <sup>[F23]</sup>**Appeals: decisions in relation to alerts and European professional cards**

**11ZZA.** The following are appealable to the Council—

- (a) a decision of the Society under regulation 67 of the General Systems Regulations to send an alert about a person;
- (b) a decision of the Society to revoke, or not to issue, extend or vary, a European professional card under Schedule 2C or Part 4 of the General Systems Regulations;
- (c) a failure by the Society to make a decision in relation to a European professional card within the time limit under paragraph 10(4) or 12(4) of Schedule 2C or regulation 51(1) or 56(1) of the General Systems Regulations.

**F23** Arts. 11ZZA, 11ZZB inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **22** (with reg. 155)

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## Appeals to the Council under Article 11ZZA

**11ZZB.**—(1) A person in respect of whom a decision falling within Article 11ZZA(a) or (b) has been made may appeal to the Council by giving notice of appeal to the registrar within 28 days beginning with and including the date on which the Society gave notice of its decision to the person.

(2) A person in respect of whom the Society has failed to make a decision falling within Article 11ZZA(c) may appeal to the Council by giving notice of appeal to the registrar within 28 days beginning with and including the date by which the Society was required to have given notice of its decision to the person.

(3) The registrar may, by authorisation in writing, extend the time for giving notice of appeal under paragraph (1) or (2) by up to 14 days.

(4) Having considered the appeal, the Council may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against or, in the case of an appeal against a decision falling within Article 11ZZA(a), direct that the alert be withdrawn or amended;
- (c) substitute for the decision appealed against any decision or other decision that could have been taken by the decision maker or, in the case of an appeal under paragraph (2), enter any decision which could have been taken by the Society; or
- (d) remit or refer the case to the Society or the registrar for disposal of the matter in accordance with the Council's directions.

(5) The Council must, as soon as reasonably practicable, send to the appellant a statement in writing giving the appellant notice of the Council's decision and the reasons for it.

(6) Subject to paragraph (7), the Council must, as soon as reasonably practicable, publish, in such manner as it sees fit, its decision and the reasons for it.

(7) If the Council has allowed the appeal, or has taken a decision or issued a direction that has the effect of allowing the appeal, it is not required to publish its decision or direction, and the reasons for it, unless the appellant so requests.]

**F23** Arts. 11ZZA, 11ZZB inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, 22 (with reg. 155)

## [<sup>F24</sup>Recognition of qualification of exempt persons

**11ZA.**—(1) Paragraph (2) applies in relation to a person applying for registration as a pharmaceutical chemist under this Order ("A") if—

- (a) A has paid the prescribed fee for registration; and
- (b) the registrar is satisfied that A falls within Article 8(2)(c); but
- (c) the registrar decides to make a request under Article 8AA(4).

(2) The registrar must notify A that the registrar recognises that A, by virtue of falling within Article 8(2)(c), is entitled to be registered in the register of pharmaceutical chemists, subject to meeting any other requirements for registration.]

**F24** Art. 11ZA inserted (1.6.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), 9; S.I. 2015/1451, art. 6(a)

## [F25] Indemnity arrangements

**11A.**—(1) A registered person who practises as a pharmaceutical chemist must have in operation an indemnity arrangement which provides appropriate cover in relation to that registered person in respect of liabilities which may be incurred in practising as a pharmaceutical chemist.

(2) For the purposes of this Article, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person; or
- (c) a combination of the two.

(3) For the purposes of this Article, “appropriate cover”, in relation to practice as a pharmaceutical chemist, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) The Council may make such provision in regulations in connection with the information to be provided to the registrar—

- (a) by or in respect of any person seeking to be registered (including on an application for restoration) for the purposes of determining whether if that person is so registered, there will be in operation in relation to that person by the time that person begins to practise an indemnity arrangement which provides appropriate cover; and
- (b) by or in respect of a registered person who practises as a pharmaceutical chemist for the purposes of determining whether, at any time, there is in operation an indemnity arrangement which provides appropriate cover in relation to that registered person.

(5) Regulations under paragraph (4)(b) may require information to be provided—

- (a) at the request of the registrar; or
- (b) on such dates or at such intervals as the registrar may determine, either generally or in relation to a registered person or registered persons of a particular description.

(6) The Council may also make regulations requiring a registered person who practises as a pharmaceutical chemist to inform the registrar if there ceases to be in operation in relation to that registered person an indemnity arrangement which provides appropriate cover.

(7) The Council may also make regulations requiring a registered person who practises as a pharmaceutical chemist to inform the registrar if there is in operation in relation to that registered person appropriate cover provided under an indemnity arrangement by an employer.

(8) Where there is a failure to comply with the regulations under paragraph (4) by or in respect of a registered person who practises as a pharmaceutical chemist or a person who is seeking to be registered, the registrar may refuse to enter or retain the person’s name in, or to restore their name to, the register.

(9) If a registered person who practises as a pharmaceutical chemist is in breach of paragraph (1), or fails to comply with regulations under paragraph (4)(b), (6) or (7), or there is a failure to comply with regulations under paragraph (4)(b) in respect of that registered person—

- (a) the registrar may remove that person’s name from the register; or
- (b) the breach or failure may be treated as misconduct for the purposes of paragraph 4(1) (a) of Schedule 3 and the registrar must consider, in accordance with paragraph 5(1) of that Schedule, whether or not to refer the matter to the Scrutiny Committee or (where regulations under paragraph 5(1) of that Schedule so provide) to the Statutory Committee.

(10) Where the registrar—

- (a) refuses to enter or retain a person’s name in, or restore their name to, the register pursuant to paragraph (8); or

*Status: Point in time view as at 25/05/2018.*

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(b) removes a person's name from the register, pursuant to paragraph (9)(a), the registrar must send to the person a statement in writing giving the person notice of the decision and the reasons for it and the right of appeal to the Statutory Committee under paragraph (11).

(11) A person in respect of whom a decision has been made by the registrar to—

(a) refuse to enter or retain a person's name in, or restore their name to, the register pursuant to paragraph (8); or

(b) remove a person's name from the register, pursuant to paragraph (9)(a),

may appeal from that decision to the Statutory Committee which may decide the appeal.

(12) This Article does not apply to a person who is registered as a visiting pharmaceutical chemist from a relevant European State.]

**F25** Art. 11A inserted (7.11.2013) by [The Pharmacy \(1976 Order\) \(Amendment\) Order \(Northern Ireland\) 2013 \(S.R. 2013/258\)](#), arts. 1(1), 2 (with art. 3)

### **Annual publication of registers**

**12.**—(1) The registrar shall, each year, publish copies of the various registers authorised by this Order, in alphabetical order according to the surnames.

(2) Copies of the registers published under paragraph (1), or any extract therefrom or from the original registers certified under the hand of the registrar and countersigned by the President or two members of the Council, shall be evidence in all courts and proceedings that the persons specified therein are registered according to the provisions of this Order, and the absence of the name of any person from any such copy of any register shall be evidence, until the contrary is made to appear, that such person is not registered in the appropriate register according to the provisions of this Order.

(3) An extract from a register or from a copy of a register certified and countersigned as provided by paragraph (2) is in this Order referred to as a “certificate of registration”.

### **Copies of registers to be sent to Pharmacy Inspector, etc.**

**13.** Each year the registrar shall send copies of the registers kept under this Order to the Pharmacy Inspector, the Poisons Inspector appointed under Article 16(1) of the Poisons (Northern Ireland) Order 1976 and the Society, and also to the divisional commander of each police division, and each such commander shall report to the Pharmacy Inspector any offence against the provisions of this Order committed within his division.

### **Issue of certificates of registration and penalties for failure to surrender, or abuse of, certificates**

**14.**—(1) Subject to paragraph (2), the Council shall, on the demand of a registered pharmaceutical chemist, druggist or student, cause a certificate of registration in the appropriate register under Article 6 to be issued to such a person without any fee.

(2) Where a certificate of registration has already been issued to the person making the demand, there shall not be any obligation upon the Council to cause a further certificate to be issued to him unless he satisfies the secretary of the Society that the original certificate has been lost or destroyed and pays such fee (if any) in respect of the issue of the further certificate as may be prescribed.

[<sup>F26</sup>(2A) Any certificate of registration issued to any person under this Article shall reproduce any indication entered in the register against that person's name in pursuance of Article 8A(1) <sup>F27</sup>. . . .]

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[<sup>F28</sup>(2B) Any certificate of registration issued to any person under this Article shall reproduce any annotation entered in the register against that person's name in pursuance of Article 8(5).]

(3) If a person to whom a certificate of registration has been issued ceases to be registered as a pharmaceutical chemist, druggist or student, he shall, within fourteen days after so ceasing, transmit the certificate to the secretary of the Society for cancellation by the registrar, and, if such a person fails to do so, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F29</sup> level 3 on the standard scale].

(4) Where a person is convicted under paragraph (3) in respect of a failure to transmit a certificate and the failure continues after the conviction he shall be guilty of a further offence under paragraph (3) and shall be liable on summary conviction, in addition to the fine specified in that paragraph, to a fine not exceeding<sup>F29</sup> level 1 on the standard scale] for every day subsequent to the day on which he is first convicted of the offence under that paragraph on which the failure continues.

(5) If, with intent to deceive, a person—

- (a) <sup>F30</sup> . . . uses, or lends to or allows to be used by any other person, a certificate of registration issued under this Article; or
- (b) makes or has in his possession a document so closely resembling any such certificate as to be calculated to deceive;

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F29</sup> level 3 on the standard scale] and where this paragraph is again contravened within one year after the conviction to a further fine not exceeding £10 for every day subsequent to the day on which he is first convicted of an offence under this paragraph on which it is so contravened.

*Para. (6) rep. by 1981 c. 45*

**F26** SR 1987/457

**F27** Words in art. 14(2A) omitted (22.5.2008) by virtue of [European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), **reg. 11**

**F28** SR 2004/78

**F29** [1984 NI 3](#)

**F30** [1981 c. 45](#)

## Retention fees

**15.**—(1) Subject to paragraph (2), every member, associate or student of the Society shall, in addition to the fees payable on his registration in the appropriate register, pay to the Society in respect of each year such fee (a “retention fee”) as may be prescribed, in respect of the retention of his name in the appropriate register in that year.

(2) A retention fee shall not be payable by any person in respect of the year in which he first becomes a member or, as the case may be, an associate or student of the Society.

(3) If a person on whom a demand has been made in the prescribed manner for payment of a retention fee payable by him under this Article fails to pay the fee within two months after the date on which the demand therefor was made, the Council may direct the removal of his name from the appropriate register; but, if, either within the year in respect of which the fee is payable or within such longer period as the Council may allow, the person whose name has been removed from the register pays to the Society the retention fee, together with such additional sum (if any) by way of penalty for the default as may be prescribed, his name shall be restored to the appropriate register and, if the Council so directs, the restoration shall have effect as from the date on which his name was removed from that register.

**Status:** Point in time view as at 25/05/2018.

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(4) In this Article, “year” means a period of twelve months beginning on such date as the Council may determine or, where the Council varies that date, such period (whether greater or less than twelve months) immediately following the variation as the Council may determine.

(5) Nothing in this Article shall apply to honorary members of the Society.

**Penalty for falsification of registers**

**16.** If the registrar wilfully makes or causes to be made any falsification in any matter relating to any register under this Order, he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding<sup>F31</sup> level 3 on the standard scale];
- (b) on conviction on indictment, to imprisonment for any term not exceeding twelve months or to a fine, or to both.

**F31** 1984 NI 3

**Duty of registrar of deaths to give notice of deaths of registered persons**

**17.** Every registrar of deaths, on registering the death of any person registered under this Order as a pharmaceutical chemist or druggist, shall forthwith transmit by post to the registrar a copy, certified under his hand, of the entry of such death; and, on receipt of such certified copy, the registrar shall strike the name of such deceased person off the appropriate register, and shall pay to the registrar of deaths the fee chargeable by law for such certified copy, together with the cost of its transmission, and may charge those payments as an expense of his office.

**Disqualification of persons suffering from disability**

<sup>F32</sup>**18.** .....

**F32** Art. 18 repealed (1.10.2012) by [The Pharmacy \(1976 Order\) \(Amendment\) Order \(Northern Ireland\) 2012 \(S.R. 2012/308\)](#), arts. 1(1), **13** (with Sch. 3)

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Point in time view as at 25/05/2018.

**Changes to legislation:**

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