

STATUTORY INSTRUMENTS

1976 No. 1213

Pharmacy (Northern Ireland) Order 1976

PART III

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

The registers

6.—^{F1}(1) In relation to the registers mentioned in sub-paragraphs (a), (b) and (c) there shall continue to be kept^{F2}... in accordance with the succeeding provisions of this Order,—

- (a) a register of pharmaceutical chemists;
- (b) a register of druggists; ^{F3}and]
- (c) a register of students; ^{F4}...

^{F4}(d)]

(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 |
| F2 | Words in art. 6(1) omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585) , reg. 1(2), Sch. para. 6(a) (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Word in art. 6 inserted (31.12.2020) by The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585) , reg. 1(2), Sch. para. 6(b) (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Art. 6(1)(d) and word omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585) , reg. 1(2), Sch. para. 6(c) (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1) |

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.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Pharmacy (Northern Ireland) Order 1976, PART III is up to date with all changes known to be in force on or before 13 June 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. (See end of Document for details)

(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—

- (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) [^{F5}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.

[^{F6}(c) every person who holds a relevant European qualification.]

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[^{F5}(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 [^{F7}, the necessary knowledge of English] or other matters as may be prescribed.]

[^{F8}(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.]

(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)[^{F9} 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.

[^{F10}(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.]

F5 1994 NI 2

F6 Art. 8(2)(c) substituted (31.12.2020) by [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019](#) (S.I. 2019/585), reg. 1(2), **Sch. para. 7(a)** (with Sch. Pt. 3) (as amended by [S.I. 2020/1394](#), reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

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 Art. 8(2B)(2C) inserted (31.12.2020) by [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019](#) (S.I. 2019/585), reg. 1(2), **Sch. para. 7(b)** (with Sch. Pt. 3) (as amended by [S.I. 2020/1394](#), reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

F9 SR 1987/457

F10 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))

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[^{F11}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 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.]

F11 Arts. 8A, 8ZA substituted for art. 8A (31.12.2020) by [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), **Sch. para. 8** (with Sch. Pt. 3) (as amended by [S.I. 2020/1394](#), reg. 20(5)(7)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F12}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.]

F12 Arts. 8A, 8ZA substituted for art. 8A (31.12.2020) by [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), **Sch. para. 8** (with Sch. Pt. 3) (as amended by [S.I. 2020/1394](#), reg. 20(5)(7)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F13}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.

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

^{F14}(5)

(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.

^{F15}(7)

(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.]

- F13** 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)
- F14** Art. 8AA(5) omitted (31.12.2020) by virtue of [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), **Sch. para. 9** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 8AA(7) omitted (31.12.2020) by virtue of [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), **Sch. para. 9** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Visiting pharmaceutical chemist from a relevant European State

^{F16}**8B.**

- F16** Art. 8B omitted (31.12.2020) by virtue of [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), **Sch. para. 10** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Professional traineeships carried out in other relevant European States, etc.

^{F17}**8C.**

- F17** Art. 8C omitted (31.12.2020) by virtue of [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), **Sch. para. 11** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

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European professional card

^{F18}8D.

F18 Art. 8D omitted (31.12.2020) by virtue of [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), **Sch. para. 12** (with [Sch. Pt. 3](#)) (as amended by [S.I. 2020/1394](#), reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F19}Temporary registration in the register of pharmaceutical chemists in certain emergencies

8E.—(1) The registrar may register a person, or the persons comprising a specified group of persons, in the register of pharmaceutical chemists if the conditions set out in paragraph (2) are satisfied.

(2) The conditions are that—

- (a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and
- (b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.

(3) The emergency registration requirement is met—

- (a) in relation to a person, if the person is a fit, proper and suitably experienced person to be registered as a pharmaceutical chemist with regard to the emergency;
- (b) in relation to a group of persons, if the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as pharmaceutical chemists with regard to the emergency.

(4) The registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(5) A person's registration under this Article has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.

(6) Where a person is registered under this Article as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

(7) The registration of a person under this Article ceases to have effect if revoked by the registrar; and the registrar—

- (a) must revoke the registration if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (2)(a) no longer exist;
- (b) may at any time revoke the registration for any other reason, including where the registrar has grounds for suspecting that the person's fitness to practise may be impaired.

(8) A person's registration as a member of a specified group may be revoked—

- (a) without revoking the registration of the other members of the group; or
- (b) as a result of a decision to revoke the registration of all the members of the group.

(9) Regulations made under Article 5 with respect to the following matters do not apply to persons registered under this Article—

- (a) paragraph (1)(b) (examinations and qualifications for registration);
- (b) paragraph (1)(bb), in so far as it refers to the necessary knowledge of English;
- (c) paragraph (1)(e) (fees);
- (d) paragraph (1)(f), (ffg) and (g) (qualifications etc in relation to registration);

(e) such other matters as the Council may by regulations provide;
but this is subject to paragraph (11).

(10) The following provisions of this Order do not apply to persons registered under this Article—

- (a) Article 4A (continuing professional development);
- (b) Articles 7, 8 and 8AA (provisions relating to registration);
- (c) Article 11(1) (evidence of qualification required for registration);
- (d) Article 15 (retention fees);
- (e) Article 20 and Schedule 3 (fitness to practise) other than paragraphs 1 to 3; and
- (f) such other provisions as the Council may by regulations provide;

but this is subject to paragraph (11).

(11) The Council may make regulations that provide that the following apply to persons registered under this Article—

- (a) regulations with respect to any of the matters referred to in paragraph (9)(a) to (e); and
- (b) any of the provisions of this Order referred to in paragraph (10)(a) to (f).

(12) If a person breaches any condition to which the person's registration under this Article is subject, anything done by that person in breach of the condition is to be treated as not being done by a registered pharmaceutical chemist.

(13) The registrar may make available information to assist with the identification of persons registered under this Article in such manner as the registrar sees fit.

(14) In this Article—

“emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;

“specified” means specified in a direction given by the registrar or by a person authorised by the registrar.]

F19 Art. 8E inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 4 para. 3](#) (with [ss. 88-90](#))

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) [^{F20}and (c)] as complete and separate registers of all persons registered respectively in respect of the several qualifications for registration prescribed by this Order [^{F21}or in the case of the register mentioned in Article 6(1)(a) registered by virtue of Article 8E].

(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.

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(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.

[^{F22}(6) The registrar may record an annotation against the name of a registered person denoting that the person is registered under Article 8E.]

- F20** Words in art. 9(2) substituted (31.12.2020) by [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), [Sch. para. 13](#) (with [Sch. Pt. 3](#)) (as amended by [S.I. 2020/1394](#), reg. 20(7)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F21** Words in art. 9(2) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 4 para. 4](#) (with [ss. 88-90](#))
- F22** Art. 9(6) inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 4 para. 5](#) (with [ss. 88-90](#))

[^{F23}Temporary extension of prescribing powers in certain emergencies

9A.—(1) In the register mentioned in Article 6(1)(a), the registrar may record an annotation under paragraph (2) against—

- (a) the name of a registered person; or
- (b) the names of the persons comprising a specified group of registered persons,

if the conditions set out in paragraph (3) are satisfied.

(2) An annotation under this paragraph indicates that the person is qualified to order drugs, medicines and appliances in a specified capacity, notwithstanding that the person would not (but for this Article) be so qualified.

(3) The conditions are that—

- (a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and
- (b) the registrar considers that the emergency annotation requirement is met in relation to the person or group of persons.

(4) The emergency annotation requirement is met—

- (a) in relation to a registered person, if the person is a fit, proper and suitably experienced person to order drugs, medicines and appliances in a specified capacity with regard to the emergency; and
- (b) in relation to a group of registered persons, if the group is comprised of persons who may reasonably be considered fit, proper and suitably experienced persons to order drugs, medicines and appliances in a specified capacity with regard to the emergency.

(5) The registrar may record the annotation in such a way as to distinguish between annotations recorded by virtue of this Article and other annotations.

(6) Annotations recorded by virtue of this Article—

- (a) must be removed by the registrar if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (3)(a) no longer exist;
- (b) may at any time be removed by the registrar for any other reason including where the registrar has grounds for suspecting that the person's fitness to order drugs, medicines and appliances may be impaired.

(7) An annotation recorded against the name of a person in the register as a member of a specified group may be removed—

- (a) without the removal by the registrar of the annotations recorded against the names in the register of the other members of the group; or
 - (b) by virtue of a decision by the registrar to remove the annotations recorded against the names in the register of all the members of the group.
- (8) Regulations made under Article 5 with respect to the following matters do not apply to persons with an annotated entry—
- (a) paragraph (1)(e) (fees);
 - (b) paragraph (1)(ff) (annotations of the register); and
 - (c) such other matters as the Council may by regulations provide;
- but this is subject to paragraph (10).
- (9) The following provisions of this Order do not apply to persons with an annotated entry—
- (a) Article 4A (continuing professional development);
 - (b) Article 8 (qualifications for registration); and
 - (c) such other provisions as the Council may by regulations provide;
- but this is subject to paragraph (10).
- (10) The Council may make regulations that provide that the following apply to persons with an annotated entry—
- (a) regulations with respect to any of the matters referred to in paragraph (8)(a) to (c); and
 - (b) any of the provisions of this Order referred to in paragraph (9)(a) to (c).
- (11) In this Article—
- “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;
- “person with an annotated entry” means a person who has an annotation under paragraph (2) against their name in the register; and
- “specified” means specified in a direction given by the registrar or by a person authorised by the registrar.]

F23 Art. 9A inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 4 para. 6](#) (with [ss. 88-90](#))

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

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fid e 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^[F24] 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^[F24] 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^[F24] 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.

F24 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.

^[F25](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.]

^{F26}(1A)

(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 ^[F27]under this Article] under an order made by the Council in writing.

^[F28](3) No appeal lies to the Council against a decision of the registrar—

- (a) to register or refuse to register a person under Article 8E;
- (b) to register or refuse to register under that Article the persons comprising a group of persons;
- (c) to impose, vary or revoke a condition as respects the registration of a person, or the persons comprising a group of persons, under Article 8E(5);
- (d) to revoke a person's registration under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to revoke the registration of any or all of the other members of the group);
- (e) to record or refuse to record an annotation under Article 9A(2) against the name of a registered person, or the names of the persons comprising a group of registered persons;
- (f) to remove an annotation under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to remove the annotation of any or all of the other members of the group).]

Changes to legislation: Pharmacy (Northern Ireland) Order 1976, PART III is up to date with all changes known to be in force on or before 13 June 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. (See end of Document for details)

- F25** Art. 11(1ZA) inserted (31.12.2020) by The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 14(a)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Art. 11(1A) omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 14(b)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F27** 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)
- F28** Art. 11(3) inserted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 4 para. 7** (with ss. 88-90)

Appeals: decisions in relation to alerts and European professional cards

^{F29}**11ZZA.**

- F29** Art. 11ZZA omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 15** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Appeals to the Council under Article 11ZZA

^{F30}**11ZZB.**

- F30** Art. 11ZZB omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 16** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Recognition of qualification of exempt persons

^{F31}**11ZA.**

- F31** Art. 11ZA omitted (31.12.2020) by virtue of The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 17** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F32}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.

Status: Point in time view as at 31/12/2020.

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(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
- (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.

^{F33}(12)]

F32 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)

F33 Art. 11A(12) omitted (31.12.2020) by virtue of [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), [Sch. para. 18](#) (with [Sch. Pt. 3](#)) (as amended by [S.I. 2020/1394](#), reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

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.

[^{F34}(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 [^{F35}8ZA]^{F36}]

[^{F37}(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 [^{F38} 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 [^{F38} 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.

Status: Point in time view as at 31/12/2020.

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- (5) If, with intent to deceive, a person—
- (a) ^{F39} . . . 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^{F38} 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

F34 SR 1987/457

F35 Word in art. 14(2A) substituted (31.12.2020) by The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585), reg. 1(2), **Sch. para. 19** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

F36 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**

F37 SR 2004/78

F38 1984 NI 3

F39 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.

(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^{F40} level 3 on the standard scale];

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- (b) on conviction on indictment, to imprisonment for any term not exceeding twelve months or to a fine, or to both.

F40 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

^{F41}**18.**

F41 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)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

Pharmacy (Northern Ireland) Order 1976, PART III is up to date with all changes known to be in force on or before 13 June 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.