
STATUTORY INSTRUMENTS

1976 No. 1213

Pharmacy (Northern Ireland) Order 1976

PART IV

DISCIPLINARY PROCEEDINGS

The Statutory Committee

19.—(1) For the purposes of this Order, the Statutory Committee constituted under section 12 of the Act of 1945 shall continue in being and the provisions of this Article shall have effect with respect to the Statutory Committee and other matters relating to that Committee and their members.

(2) The Statutory Committee shall consist of six members, of whom one, who shall be a person having practical legal experience, shall be appointed by the Head of the Department and of whom five shall be persons appointed by the Council.

(3) The member appointed by the Head of the Department shall be the chairman of the Statutory Committee.

(4) A person may be appointed a member of the Committee whether he is or is not a member of the Society or of the Council.

(5) Subject to the provisions of this Article, a member of the Statutory Committee shall hold office for a period of five years from the date of his appointment, but shall be eligible for re-appointment at the expiration of that period.

(6) A member of the Statutory Committee may at any time resign his appointment—

(a) in the case of the member appointed by the Head of the Department, by giving notice in writing of his resignation to the Department; and

(b) in the case of any other member, by giving such notice to the secretary of the Society.

(7) The Head of the Department or the Council may remove any member of the Statutory Committee appointed by the Head or the Council respectively from his office for inability to perform his duties or for misbehaviour.

(8) If the member appointed by the Head of the Department becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, the Head of the Department may appoint a deputy (who shall be a person having practical legal experience, but who need not be a member of the Society or of the Council) to perform his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the person originally appointed.

(9) There shall be paid to the members of the Statutory Committee such reasonable travelling expenses as may be fixed by the Council with the approval of the Department.

(10) The expenses of the Statutory Committee (including any such fees payable to any of the members thereof as may be fixed by the Council with the approval of the Department) shall be defrayed by the Society.

(11) The provisions of Schedule 3 shall have effect with respect to the proceedings of the Statutory Committee.

Status: Point in time view as at 01/01/2006.

Changes to legislation: Pharmacy (Northern Ireland) Order 1976, PART IV is up to date with all changes known to be in force on or before 19 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)

Removal of registered persons from, and restoration to, register

20.—(1) If a registered person, or a person employed by him in the carrying on of his business, has been convicted of any such criminal offence, or been guilty of such misconduct, as, in the opinion of the Statutory Committee, renders him, or in the case of an employee would, if he were a registered person, render him unfit to be on the register, the Committee, after inquiring into the matter, may, subject to the provisions of this Order, direct the registrar to strike the name of the registered person off the register.

(2) Subject to paragraph (3), if the Statutory Committee think fit in any case to do so, they may, either of their own motion or on the application of the person concerned, direct the registrar to restore to the register, either without any fee or on payment of such fee, not exceeding the fee payable on registration, as may be prescribed, any name or entry which has been struck off the register.

(3) Where an appeal to a judge of the High Court against the striking of a name off the register has been dismissed, a direction under paragraph (2) in respect of that name shall not take effect unless approved by the Lord Chief Justice.

(4) Where directions are given by the Statutory Committee under paragraph (1), the Committee, with the consent of their chairman, may further direct that an application made under paragraph (2) shall not be entertained until the expiration of such period or the fulfilment of such conditions as may be specified in the directions.

(5) Where a person applying to be registered has been convicted of any such criminal offence, or been guilty of such misconduct, as would, in the opinion of the Statutory Committee, render him unfit to remain on the register if he were a registered person, the Committee, with the consent of their chairman, may, after inquiring into the matter, direct that the name of such person shall not be registered, or shall not be registered until the Committee with such consent as aforesaid otherwise direct.

(6) Where a person whose name has been removed from the register under Article 15(3) or a person employed by him in the carrying on of his business, has (whether before or after the removal of his name) been convicted of any such criminal offence as aforesaid or been guilty of such misconduct as aforesaid, the Statutory Committee, with the consent of their chairman, may, after inquiring into the matter, direct that the name of such person shall not be restored to the register, or shall not be restored until the Committee with such consent as aforesaid otherwise direct.

[^{F1}(6A) Where the Statutory Committee are satisfied that any person is subject to a disqualifying decision the Committee shall be entitled to exercise their powers under paragraph (1), (5) or (6) in relation to that person on the assumption that the grounds on which the decision was expressed to be made constitute such misconduct rendering that person unfit to be or (as the case may be) remain on the register as would (apart from this paragraph) justify the exercise of those powers.

(6B) For the purposes of this Article a person is subject to a disqualifying decision if—

- (a) a decision is made in respect of that person by responsible authorities in a member State other than the United Kingdom;
- (b) that decision has the effect in that State either that that person ceases to be registered or otherwise officially recognised to practise pharmacy in that State or that he is prohibited from practising pharmacy there; and
- (c) that decision is expressed to be made on the grounds that that person has committed a criminal offence or has been guilty of any misconduct.]

(7) Where directions are given by the Statutory Committee under paragraph (5) or (6) that the name of a person is not to be registered, or is not to be restored to the register, until the Committee otherwise direct, the Committee, with the consent of their chairman, may further direct that a further application for the registration of the name of that person, or for its restoration to the register, shall not be entertained until the expiration of such period or the fulfilment of such conditions as may be specified in the directions.

(8) Nothing in this Article shall affect the provisions of Articles 9(5), 10(1)(b), 11(2), 17 and 18(1) with respect to the striking off the register of names and entries in the cases to which those provisions respectively relate.

F1 SR 1987/457

Conditions as to the giving of directions by Statutory Committee in case of conviction, etc., of employee

21.—(1) Where an act or omission which, under the provisions of this Order, may be made the ground of a direction by the Statutory Committee involving the cesser or restriction of the right of a person (in this Article referred to as “the owner of the business”) to be registered as a pharmaceutical chemist or druggist, is an act or omission on the part of an employee of the owner of the business, the Committee shall not give any such direction unless proof is given to their satisfaction of some one or more of the facts specified in paragraph (2), and the Committee are of opinion that, having regard to the facts so proved, the owner of the business ought to be regarded as responsible for the act or omission.

(2) The facts as to some one or more of which the Committee must be satisfied before giving any such direction as is mentioned in paragraph (1) are—

- (a) that the act or omission in question was instigated or connived at by the owner of the business;
- (b) that the owner of the business, or any employee of that owner, had been guilty, at some time within twelve months before the date on which the act or omission in question took place, of a similar act or omission and that such owner had, or reasonably ought to have had, knowledge of that previous act or omission;
- (c) if the act or omission in question was a continuing act or omission, that the owner of the business had, or reasonably ought to have had, knowledge of the continuance thereof;
- (d) in the case of a criminal offence, being an offence against the Act of 1925, the Act of 1945 or this Order, that the owner of the business had not used due diligence to enforce the execution of such Act or Order.

Provisions as to directions given by Statutory Committee and as to appeals

22.—(1) The Statutory Committee shall cause notice of any direction given by the Committee under this Order to be served on the person to whom the direction relates, and, where the Committee refuse an application for a direction under this Order, the Committee shall cause notice of the refusal to be served on the applicant.

(2) A direction given by the Statutory Committee under this Order, other than a direction given on the application of the person to whom it relates, shall not take effect until the expiration of a period of three months from the date on which notice thereof is served on the person to whom it relates, or, in a case where an appeal has been brought against the direction, until the appeal is determined or withdrawn.

(3) A person aggrieved by a direction given by the Statutory Committee, or by the refusal by the Committee of an application to the Committee to give a direction under this Order, may, at any time within three months from the date on which notice of the direction or, as the case may be, of the refusal is served on him, appeal against the direction or refusal to a judge of the High Court.

(4) If rules of court so provide, the Society may appear as respondent on any appeal to a judge of the High Court under this Order, and, for the purpose of the costs of an appeal, shall be deemed to be a respondent to the appeal, whether it appears on the hearing of the appeal or not.

Status: Point in time view as at 01/01/2006.

Changes to legislation: Pharmacy (Northern Ireland) Order 1976, PART IV is up to date with all changes known to be in force on or before 19 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)

(5) Where a direction given by the Statutory Committee under this Order has taken effect, or an order has been made by a judge of the High Court under this Order on an appeal against any such direction or refusal as aforesaid, the registrar shall make such alterations in the register, and in the register of premises required to be kept under section 75 of the Medicines Act, as are necessary to give effect to the direction or order.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

Pharmacy (Northern Ireland) Order 1976, PART IV is up to date with all changes known to be in force on or before 19 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.