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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 285**

**PHARMACY**

**The Council of the Pharmaceutical Society of Northern Ireland  
(Indemnity Arrangements) Regulations (Northern Ireland) 2022**

*Made* - - - - *27th October 2022*

*Coming into operation* *21st November 2022*

The Council of the Pharmaceutical Society of Northern Ireland, with the approval of the Department of Health<sup>(1)</sup> in accordance with Article 25A(2) of the Pharmacy (Northern Ireland) Order 1976<sup>(2)</sup>, makes the following Regulations in exercise of the powers conferred by Articles 5(1) and 11A(4) to (7) of, and paragraphs 15(1)(b), (2) and (3) of Schedule 3 to, the Pharmacy (Northern Ireland) Order 1976<sup>(3)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2022 and shall come into operation on 21st November 2022.

(2) In these regulations—

“appropriate cover” has the meaning assigned to it in Article 11A(3) of the 1976 Order;

“indemnity arrangement” has the meaning assigned to it in Article 11A(2) of the 1976 Order;

“the 1976 Order” means the Pharmacy (Northern Ireland) Order 1976; and

“the secretary” means the secretary of the Statutory Committee.

**Indemnity arrangements**

2. A person seeking to be registered (including on an application for restoration) must declare in writing, at the time of the application for their name to be entered in or restored to the register, that that person—

(a) has in operation, or will have by the time they begin to practise, an indemnity arrangement which provides appropriate cover in relation to that person; and

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(1) The Department of Health was formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1(5), and formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1), Article 3(6)

(2) Article 25A is inserted by Article 9 of S.R. 2012 No. 308

(3) S.I. 1976/1213 (N.I. 22), the relevant amendments are S.I. 1994/429 (N.I. 2), S.R. 2004 No. 78, S.R. 2012 No. 308, S.R. 2013 No. 258, S.I. 2015/806 and S.I. 2016/372

(b) will provide, at the request of the registrar, documentary evidence of that indemnity arrangement.

3. A registered person who practises as a pharmaceutical chemist must declare in writing, at the time of the application for their name to be retained in the register, that they have in operation an indemnity arrangement which provides appropriate cover in relation to them and will provide at the request of the registrar documentary evidence of that indemnity arrangement.

4. The registrar may, at any time, require a registered person who practises as a pharmaceutical chemist to submit to the registrar—

- (a) documentary evidence that they have in operation an indemnity arrangement which provides appropriate cover; and
- (b) such other information as the registrar may reasonably require for the purpose of determining whether the registered person's indemnity arrangement does provide appropriate cover;

within such period as the registrar may determine.

5. The registrar may, at any time, seek confirmation from a third party in relation to a registered person, or any person seeking to be registered, that that person has in operation, or will have in operation by the time they begin to practise, an indemnity arrangement which provides appropriate cover.

6. A registered person who practises as a pharmaceutical chemist must promptly inform the registrar if for any reason they cease to have in operation, in accordance with Article 11A(1) of the 1976 Order, an indemnity arrangement which provides appropriate cover.

7. A registered person who practises as a pharmaceutical chemist must provide, at the request of any person who wishes to access their services, information relating to their indemnity arrangement.

8. Where a decision has been taken under Article 11A(8) of the 1976 Order to refuse to retain a person's name in the register, or under Article 11A(9)(a) of the 1976 Order to remove a person's name from the register, the decision does not take effect—

- (a) until the time for serving a Notice of Appeal on the secretary in respect of the decision has expired; and
- (b) where a Notice of Appeal is served within time, until the date on which the appeal is finally disposed of, or is abandoned or fails by reason of its non-prosecution.

### **Time for serving Notice of Appeal**

9.—(1) Subject to paragraph (2), on receipt of the written statement sent by the registrar under Article 11A(10) of the 1976 Order, the registered person, or applicant as the case may be, (hereafter referred to as “the appellant”) must serve a Notice of Appeal on the secretary within 28 days beginning with, and including, the date on which the written statement was sent.

(2) Where the secretary considers that it was not reasonably practicable for the Notice of Appeal to be served within 28 days, the secretary may by authorisation in writing extend the time limit for serving the Notice of Appeal.

### **Appeals – other provisions**

10. Regulations 14 to 29(4) of the Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012(5) shall apply to an appeal under Article 11A(11) of the 1976 Order as they apply under Article 4A(13) of the 1976 Order.

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(4) Regulations 14 to 29 are inserted by regulation 9 of [S.R. 2013 No. 147](#)

## **Revocation**

**11.** The Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014(6) are revoked.

Sealed with the Common Seal of the Pharmaceutical Society of Northern Ireland on 27th October 2022

(L.S.)

*Jonathan Patton*  
Vice President of the Council of the  
Pharmaceutical Society of Northern Ireland  
*Trevor Patterson*  
Chief Executive of the Pharmaceutical Society of  
Northern Ireland

The Department of Health approves the Regulations  
Sealed with the Official Seal of the Department of Health on 27th October 2022

(L.S.)

*Phil Rodgers*  
A senior officer of the Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made by the Council of the Pharmaceutical Society of Northern Ireland under the Pharmacy (Northern Ireland) Order 1976 amended by the Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013. The Regulations set out matters relating to the requirement for practising pharmacists to have in operation an indemnity arrangement which provides appropriate cover and in relation to information to be provided to the registrar regarding such arrangements.

A person seeking to be registered (including on an application for restoration) or a practising pharmacist must declare in writing that they either have or will have by the time they begin to practise, an indemnity arrangement which provides appropriate cover (regulations 2 and 3).

The registrar may, at any time, require a practising pharmacist to submit to the registrar evidence that they have in operation an indemnity arrangement which provides appropriate cover. The registrar may also seek confirmation from a third party about indemnity arrangements in relation to that person (regulations 4 and 5).

A practising pharmacist must inform the registrar if for any reason they cease to have in operation an indemnity arrangement and must provide information relating to their indemnity arrangement at the request of any person who wishes to access their services (regulations 6 and 7).

Where a decision has been taken to refuse to retain a person's name in or to remove a person's name from the register, the decision does not take effect until the time for serving a Notice of Appeal has expired. Where a Notice of Appeal is served within time, the decision does not take effect until the date on which the appeal is finally disposed of, or is abandoned or fails by reason of its non-prosecution (regulation 8).

The Notice of Appeal must be served on the secretary of the Statutory Committee within 28 days of the written statement of the decision being sent by the registrar unless the secretary has extended the time limit for serving the Notice of Appeal (regulation 9). Regulations 14 to 29 of the Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012 apply to an appeal under Article 11A(11) of the Pharmacy (Northern Ireland) Order 1976 (regulation 10).

These Regulations revoke and replace with minor amendments the Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 (regulation 11).