
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which amends the Pharmacy (Northern Ireland) Order 1976 (“the 1976 Order”), makes provision for the following matters:-

- (a) the reconstitution of the Council of the Pharmaceutical Society of Northern Ireland (“the Council”) and the extension of its regulation making powers in relation to various matters;
- (b) the reconstitution of the Statutory Committee and the extension of its powers in relation to discipline and fitness to practise matters; and
- (c) the establishment of a Scrutiny Committee of the Council to deal with fitness to practise matters.

Articles 3, 10 and Schedule 1 amend the 1976 Order by substituting new provisions in respect of the composition, membership and functions of the Council. The Department has power to make regulations with regard to various matters which include the procedure of the Council and the appointment of a President and Vice President of the Council. A Scrutiny Committee is established and the Council has power to provide in regulations for its constitution, appointment and procedure etc.

The Council is also given various duties in respect of publications, including publication of annual accounts and an annual report. The Council is under a duty to establish and promote the standards of continuing professional development necessary for a registered person to achieve and maintain those standards of proficiency, to adopt a framework setting out the requirements and conditions in respect of a registered person’s continuing professional development and to make regulations in respect of persons who fail to comply with the requirements or conditions of the framework (Article 4).

Article 5 inserts new powers into the 1976 Order which enable the Council to make regulations with regard to the recording in the register of fitness to practise and continuing professional development matters.

Article 7 amends the 1976 Order to reconstitute the Statutory Committee. Articles 8, 11 and Schedule 2 amend the 1976 Order to insert a new Schedule 3 which provides for the procedure for the Scrutiny Committee and the Statutory Committee in relating to the fitness to practise of registered persons.

The Council is to establish the professional standards expected of registered persons and is given powers to obtain information from third parties about a particular registered person. The Council may also publish any information about the fitness to practise of a registered person where it is in the public interest to do so. (Paragraphs 1 to 3 of Schedule 3 to the 1976 Order).

Provision is included about what it means for fitness to practise to be impaired and a framework is set out within which allegations of impairment are to be considered. Usually, cases will firstly be considered by the registrar, who will then refer them to the Scrutiny Committee of the Council. The Scrutiny Committee has power to deal with the case by way of issuing warnings or advice. In addition, the Statutory Committee may suspend registered persons or attach conditions to their entry in the register and may also direct that the registered person be struck off the register. Provision also exists for the review of earlier decisions to suspend a registered person or to impose conditions on their entry in the register.

Provision is also made for interim orders suspending a registered person's entry in the register or attaching temporary conditions to an entry in the register while an investigation is ongoing. (Paragraphs 4 to 8 of Schedule 3 to the 1976 Order)

If a person has been struck off the register for fitness to practise reasons, there are arrangements for restoration to the register in defined circumstances (Paragraph 9 of Schedule 3 to the 1976 Order)

Provision is also made for appeals to the High Court against appealable fitness to practise decisions and in respect of when fitness to practise decisions are to take effect – including provision for temporary measures pending the outcome of an appeal, if a decision is being appealed. (Paragraphs 10 to 12 of Schedule 3 to the 1976 Order)

Provision is also made for the registrar to make alterations to the register in accordance with any direction of the Statutory Committee and provision is made for the Council to make regulations as to voluntary removal from the register and to enable the registrar to refuse application for voluntary removal where there are outstanding fitness to practise proceedings. There are also provisions relating to proceedings before the Scrutiny Committee and the Statutory Committee. Essentially, these matters are to be provided for in regulations however, there are particular provisions relating to the use of legal, clinical and other specialist advisers. There are also provisions for dealing with witness summonses and orders for the production of documents, which may be enforced through the courts. (Paragraphs 13 to 18 of Schedule 3 to the 1976 Order)

Articles 12 to 14 of the Order contain repeals of provisions required as a result of the establishment of new provisions to deal with fitness to practise and discipline matters.

Schedule 3 to the Order deals with transitional provisions in relation to outstanding registration cases, disciplinary proceedings, and applicants for registration or restoration who are subject to directions given under the principal Order prior to the coming into operation of this Order.