
STATUTORY INSTRUMENTS

1976 No. 1213 (N.I. 22)

NORTHERN IRELAND

The Pharmacy (Northern Ireland) Order 1976

Laid before Parliament in draft

Made

30th July 1976

Coming into operation on days to be appointed under Article 1

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At the Court at Buckingham Palace, the 30th day of July 1976

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

(a) 1974 c. 28.

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Pharmacy (Northern Ireland) Order 1976 and shall come into operation on such day or days as the Head of the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (a) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Act of 1925” means the Pharmacy and Poisons Act (Northern Ireland) 1925 (b);

“the Act of 1945” means the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 (c);

“approved bye-laws” means bye-laws—

(a) submitted by the Council to a meeting of the Society called, after at least fourteen days’ notice of the meeting has been served on every person appearing to be a member of the Society, for the purpose of approving bye-laws so submitted (whether or not the meeting has been called for any other purposes in addition), being a meeting at which at least thirty members of the Society are present; and

(b) approved by a majority of the members present and voting at such a meeting;

“associate” has the meaning assigned to it by paragraph 3 (1) of Part I of Schedule 1;

“certificate of registration” has the meaning assigned to it by Article 12 (3);

“the Council” means the Council of the Society;

“the Department” means the Department of Health and Social Services;

“enactment” has the meaning assigned to it by section 1 (b) of the Interpretation Act (Northern Ireland) 1954;

“the Medicines Act” means the Medicines Act 1968 (d);

“member” has the meaning assigned to it by paragraph 2 of Part I of Schedule 1;

“the Pharmacy Inspector” means the inspector appointed under Article 24 (1);

“prescribed” means prescribed by regulations under Article 5;

“registered” means in relation to a pharmaceutical chemist, druggist or student, registered in the appropriate register under Article 6;

“registered person” means a person registered as a pharmaceutical chemist or druggist;

“registered pharmacy” has the meaning assigned to it by section 74 of the Medicines Act;

“the registrar” means the registrar appointed under Article 9 (1);

“retail pharmacy business” has the meaning assigned to it by section 132 (1) of the Medicines Act;

“the Society” means the Pharmaceutical Society of Northern Ireland;

(a) 1954 c. 33 (N.I.). (b) 1925 c. 8 (N.I.). (c) 1945 c. 9 (N.I.). (d) 1968 c. 67.

“the Statutory Committee” means the Committee continued under Article 19 (1);

“student” means a registered student.

PART II

THE PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND

The Society

3.—(1) There shall continue to be a Pharmaceutical Society of Northern Ireland (“the Society”).

(2) The constitution of the Society shall be as provided in that behalf in Part I of Schedule 1; and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Society.

(3) The objects of the Society shall be—

(a) to advance chemistry and pharmacy;

(b) to promote pharmaceutical education and the application of pharmaceutical knowledge;

(c) to maintain the honour and safeguard and promote the interests of the members of the Society in their exercise of the profession of pharmacy;

(d) to execute all such functions as may be entrusted to the Society under any enactment;

(e) to provide relief for distressed persons, being—

(i) members of the Society;

(ii) persons who at any time have been members of the Society or have been registered as either pharmaceutical chemists, or chemists and druggists, or druggists or apprentices to pharmaceutical chemists, or as students of the Society; or

(iii) widows, orphans or dependants of deceased persons who were at any time members of the Society or registered as aforesaid.

(4) Without prejudice to any other provision of this Order, the Society may—

(a) acquire and hold land for the purposes for which the Society is constituted, and either dispose of or charge any such land;

(b) approve bye-laws made under Article 4;

(c) undertake and execute any lawful trust for the furtherance of any of the objects of the Society;

(d) accept gifts and donations and support, or aid in the support of, charitable or benevolent associations or institutions, or any cause which appears to the Society to be deserving of its support or aid;

(e) invest any funds of the Society not required for immediate use or to meet the usual accruing liabilities of the Society in any investment authorised by law for the investment of trust property;

(f) apply funds under the Society’s control towards providing scholarships for the furtherance of education and research in pharmacy, in accordance with regulations under Article 5;

(g) do all such other matters and things as are reasonably necessary for, or incidental to the furtherance of, the objects of the Society or any of them, or the exercise of the powers of the Society or any of them.

(5) Any money received by the Society on the disposal of any land under paragraph (4) (a) shall be applied by the Society to some purpose of its functions to which capital moneys are properly applicable.

The Council

4.—(1) There shall continue to be a Council of the Society (“the Council”) with a President and a Vice-President.

(2) The constitution of the Council shall be as provided in that behalf in Part I of Schedule 2; and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Council.

(3) The Council may on behalf, and for the benefit, of the Society—

- (a) direct and manage the business and affairs of the Society, and exercise all such powers of the Society as are not by this Order required to be exercised by the Society in general meeting, in accordance with and subject to approved bye-laws made by the Council;
- (b) control and manage the property and funds of the Society and invest and apply the same in such manner as the Council may determine, subject to such general or special directions (if any) as may be contained in approved bye-laws made by the Council with respect to the control and management of such property and funds;
- (c) regulate the functions of the secretary, treasurer, clerks and other subordinate officers and their terms and conditions of service;
- (d) employ and pay such auditors, accountants and other advisers as the Council may think fit.

Regulations

5.—(1) The Council may, subject to the provisions of this Order, make regulations with respect to all or any of the following matters—

- (a) the meetings and other proceedings of the Council and the Society (including meetings for the reading of papers and discussions of scientific subjects);
- (b) the examination (including the subjects of examination) or the qualifications of persons desirous of being registered as pharmaceutical chemists under this Order;
- (c) the qualifications of persons desirous of being registered as students under this Order;
- (d) the conditions on which persons who are members of pharmaceutical societies outside Northern Ireland may be registered as pharmaceutical chemists under this Order, and the societies whose members may be so registered;
- (e) the fees (being of a reasonable amount) for examination and registration, and for retention of registration, which are to be paid to the Society under this Order;
- (f) the conditions on which persons may be required to undergo a course of practical training for the purpose of qualifying for registration as pharmaceutical chemists;
- (g) the making of special provision with respect to the examinations to be passed by ex-servicemen;
- (h) generally, any matters with respect to which the Council thinks that provision should be made for the purpose of carrying this Order into effect.

(2) Regulations under this Article shall not come into operation unless and until they are approved by the Department.

- (3) Before approving any regulations with respect to—
- (a) the matters mentioned in paragraph (1) (b), (c) and (g); or
 - (b) the prescribing of any body for the purposes of Article 7 (5) or (6); or
 - (c) the provision of scholarships under Article 3 (4) (f);
- the Department shall consult the Department of Education.
- (4) Every regulation under this Article shall be subject to negative resolution.
- (5) For the purposes of paragraph (1) (g), the expression “ex-servicemen” includes—
- (a) men who have served whole time in the armed forces of the Crown or in the Merchant Navy or the mercantile marine; and
 - (b) women who have served whole time in any of the capacities mentioned in Schedule 1 to the Disabled Persons (Employment) Act (Northern Ireland) 1945 (a).

PART III

REGISTRATION OF PHARMACEUTICAL CHEMISTS, DRUGGISTS AND STUDENTS

The registers

6.—(1) There shall continue to be kept, in accordance with the succeeding provisions of this Order,—

- (a) a register of pharmaceutical chemists;
- (b) a register of druggists; and
- (c) a register of students.

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

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.

(a) 1945 c. 6 (N.I.).

(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) 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.

(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)) 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.

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 (c) 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.

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 £20.

(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 £10 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 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 £20, unless he proves to the satisfaction of the court that he did not know of the failure to comply with the notice.

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.

(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 under an order made by the Council in writing.

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 (a) 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.

(a) S.I. 1976/1214 (N.I. 23).

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.

(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 £50.

(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 £10 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) forges, or 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 £100 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.

(6) In this Article, “forges” has the same meaning as in the Forgery Act 1913 (a).

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

(a) 1913 c. 27.

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 £100;

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

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

18.—(1) The Head of the Department may, after consultation with the Council, direct the name of any person who is suffering from any physical or mental disability which, in the opinion of the Head of the Department, renders such person unfit to have his name on any register under this Order to be struck off such register, and the registrar shall strike off the name accordingly.

(2) Where, on a direction of the Head of the Department under paragraph (1), the name of any person is struck off any register, then, where the Head of the Department so directs, the registrar shall remove from the register required to be kept under section 75 of the Medicines Act all premises entered in that register in respect of a business carried on by any body corporate of which that person is a director.

(3) The Head of the Department may, after consultation with the Council, direct the name of any such person as is mentioned in paragraph (1) to be restored to the register from which it was struck off, and the registrar shall then restore it accordingly.

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.

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.

(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.

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.

(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.

PART V
MISCELLANEOUS

Dispensing, etc., in public institutions

23. A person shall not be appointed to, or hold, the office of chemist, compounder or dispenser in any institution maintained at the cost of, or in receipt of aid from, public funds in Northern Ireland unless he is a registered pharmaceutical chemist or a fully registered person within the meaning of the Medical Act 1956 (a).

Pharmacy Inspectors

24.—(1) The Department may appoint one (or, subject to the approval of the Department of Finance, more than one) fit and proper person (being a registered pharmaceutical chemist) as a Pharmacy Inspector for the purposes of this Order (“the Pharmacy Inspector”).

(2) The Pharmacy Inspector shall discharge such duties as may be assigned to him by the Department, and the duties so assigned may include the duty of taking all reasonable steps to enforce the provisions of this Order.

(3) The Pharmacy Inspector, on producing his authority (if requested to do so), may, for the purposes of enforcing the provisions of this Order, at all reasonable times enter any registered pharmacy and make such examination and inquiry and do such other things as may be necessary for ascertaining whether the provisions of this Order are being complied with.

(4) If any person wilfully delays or obstructs the Pharmacy Inspector in the exercise of any powers under this Article, or fails without reasonable excuse to give any information which he is duly required under this Article to give, such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

Fees

25.—(1) The fees paid to the registrar under section 75 (1) of the Medicines Act on the entry of premises in the register required to be kept under that section, and the retention or other fees, or any other sums, paid to him under section 76 of that Act, shall be paid by him to the Department.

(2) Of the fees so paid to the Department, such portion, not less than one half, as may be determined by the Department, with the consent of the Department of Finance, shall be paid to the Society.

Transitional provisions, amendments and repeals

26. Without prejudice to the operation of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (effect of repeal and substituting provisions)—

- (a) the transitional provisions contained in Schedule 4 shall have effect;
- (b) the enactments specified in Schedule 5 shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Order;
- (c) subject to the provisions of Schedule 4, the enactments specified in Schedule 6 are hereby repealed to the extent specified in column 3 of that Schedule.

N. E. Leigh

SCHEDULES

Article 3 (2)

SCHEDULE 1

THE PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND

PART I

THE CONSTITUTION OF THE SOCIETY

1. The Society is a body corporate.
2. Every person registered as a pharmaceutical chemist shall, so long as he continues to be so registered, be a member of the Society.
- 3.—(1) Every person registered as a druggist shall, so long as he continues to be so registered, be an associate of the Society.
(2) Every associate of the Society shall have the privilege of attending and voting at all meetings of the Society, and otherwise taking part in the Society's proceedings, in the same manner as a member of the Society.
4. Every person registered as a student shall, so long as he continues to be so registered, be a student of the Society.
5. The Council may elect suitable members or associates of the Society as fellows of the Society and may elect suitable persons as honorary members of the Society.

PART II

SUPPLEMENTARY PROVISIONS AS TO THE SOCIETY

The seal

6. The fixing of the seal of the Society shall be authenticated in such manner as may be prescribed, and any document purporting to be sealed with that seal so authenticated shall be receivable in evidence of the particulars stated in that document.

Officers

- 7.—(1) The Council may employ a secretary of the Society (who shall be a registered pharmaceutical chemist), a treasurer and such other subordinate officers as may be found necessary for the performance of the Society's functions.
(2) All fees and other sums which are payable to the Society under this Order shall be paid to the treasurer and shall be applied to the purposes of the Society in such manner as may be determined by the Council under Article 4 (3).

Superannuation, etc.

- 8.—(1) The Society may in its discretion, with the consent of the Department, grant to any officer whose whole time has been devoted to the service of the Society and who has become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body or old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two-thirds of his salary and emoluments at that time.
(2) An officer shall not be qualified to receive an allowance under this paragraph on the ground of age unless he has attained the age of sixty years and has served as an officer of the Society for twenty years at least.
(3) An allowance under this paragraph shall be payable to, or in trust for, the officer concerned and shall not be assignable or chargeable with debts or other liabilities.
(4) Where an officer whose whole time has been devoted to the service of the Society dies, after he has served five years or upwards, while still employed in that service, the Society may in its discretion, with the consent of the Department, grant to his legal personal representatives a gratuity equal to the annual salary and emoluments of his office.

(5) Where an officer, having become entitled to an annual allowance under this paragraph, dies after he has retired from the service of the Society, and the sums paid or payable to him at the time of his death on account of that allowance are less than the amount of the annual salary and emoluments of his office, the Society may in its discretion, with the consent of the Department, grant to his legal personal representatives a gratuity equal to the deficiency.

SCHEDULE 2

Article 4 (2)

THE COUNCIL OF THE SOCIETY

PART I

CONSTITUTION OF THE COUNCIL

- 1.—(1) The Council shall consist of twenty-three members of whom—
- (a) eighteen shall be members of the Society elected under paragraphs 2 and 9 as the representatives of pharmaceutical chemists;
 - (b) one shall be an associate to be so elected as the representative of the registered druggists (if any);
 - (c) two shall be nominated by the Queen's University of Belfast;
 - (d) one shall be nominated by such body as may be recognised by the Head of the Department as representative of the medical profession in Northern Ireland ("the medical committee");
 - (e) one shall be nominated by the Head of the Department to represent the wholesale drug trade in Northern Ireland.
- (2) The President and the Vice-President shall be elected by the Council from the persons specified in sub-paragraph (1) (a) and (b).
2. The members of the Council to be elected under paragraph 1 (1) (a) and (b) shall be elected by the members and associates of the Society voting as one body.
3. Subject to paragraph 1 (1) (a) and (b), every member or associate of the Society shall be qualified to be elected, and when elected to act, as a member of the Council.
4. The proceedings of the Council shall not be invalidated by any vacancy in the membership of the Council or by any defect in the election of any of its members.

PART II

SUPPLEMENTARY PROVISIONS AS TO THE COUNCIL

Tenure of office and elections

- 5.—(1) The President and Vice-President of the Council shall respectively hold office for one year, but shall be eligible for re-election.
- (2) In the case of any vacancy in the office of President or Vice-President caused by the holder of such office ceasing to be a member of the Council, or by his resignation of such office or incapacity to hold it, such vacancy shall be filled by the election of some member of the Council elected from the persons specified in paragraph 1 (1) (a) and (b) to hold such office.
- 6.—(1) The members of the Council who are representatives of the Queen's University of Belfast, of the medical committee and of the wholesale drug trade in Northern Ireland shall hold office for three years from the date of their nomination.
- (2) On the expiration of the period of three years mentioned in sub-paragraph (1) and of each subsequent period of three years, the said University and committee shall

respectively nominate, to represent them for a further period of three years, the same number of persons as is provided in Part I, and the Head of the Department shall nominate for such further period one person to represent the said wholesale drug trade.

(3) The member of the Council who holds office as representative of the registered druggists shall cease to hold such office on the first Monday of October in every year; and the place of that member shall be filled by election on that date.

(4) A member of the Council who holds office as a representative of the pharmaceutical chemists shall hold such office for a period of three years; and, on the first Monday in October in each year, each such member whose term of office has then expired shall retire from office and the place of the members so retiring shall be filled by election on that date.

7. Without prejudice to paragraphs 5 (1) and 8 (1), every member of the Council whose term of office has expired shall be eligible for re-nomination or, as the case may require, re-election.

8.—(1) If any extraordinary vacancy occurs in the Council (except in the case of a member to whom paragraph 6 (1) applies), the Council shall, on a day to be appointed by the President (not being later than the second ordinary meeting after the vacancy has been signified to the President) elect to fill the vacancy—

(a) a member, if the vacancy occurs amongst those persons who as members were elected as representatives of pharmaceutical chemists; or

(b) an associate, if the vacancy occurs in the office of druggists' representative;

and every person so elected shall continue as a member of the Council until the time when the person in whose place he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election.

(2) If any extraordinary vacancy occurs among the members of the Council to whom paragraph 6 (1) applies, the said University or committee, or the Head of the Department, as the case may require, shall nominate another representative to fill the vacancy for the unexpired portion of the term of office of the member in whose place such representative is nominated.

9. Elections of members of the Council and of the President and Vice-President shall be held, and the voting and other proceedings in the case of a contest shall be conducted, in accordance with approved bye-laws made by the Council.

Meetings

10. At a meeting of the Council, the President, or in his absence the Vice-President, shall act as chairman, and, if both the President and Vice-President are absent, one of the members of the Council present shall be elected chairman by the majority present.

11. At all meetings of the Council, the questions considered shall be decided by a majority, and, in the case of an equal division, the chairman shall, in addition to his own vote, have a casting vote.

Quorum

12. The quorum for a meeting of the Council shall be seven.

Article 19 (11)

SCHEDULE 3

PROCEEDINGS OF THE STATUTORY COMMITTEE

1.—(1) Subject to sub-paragraph (2), the quorum of the Statutory Committee shall be three, of whom the chairman shall be one, and the Committee may, subject as hereinafter provided, act by a majority of members present.

(2) An order directing that the name of a registered person shall be removed from the register shall not be made except with the consent of the chairman of the Committee.

2. In the case of an equality of votes, the chairman of the Committee shall, in addition to his own vote, have a casting vote.

3.—(1) Subject to sub-paragraph (2), the Statutory Committee may make regulations as to the procedure to be followed by it in exercising the jurisdiction conferred on it by this Order or Part IV of the Medicines Act, but such regulations shall not have effect until confirmed by the Department and the Department may confirm any such regulation either with or without modifications.

(2) Where the Department proposes to confirm any such regulations with modifications, the Department shall inform the Committee of the proposed modifications and give to the Committee a reasonable opportunity of making any observations with respect thereto, and shall, before finally confirming the regulations, take into consideration any observations so made.

SCHEDULE 4

Article 26 (a)

TRANSITIONAL PROVISIONS

1. The Council may direct the registrar to register any name which was removed in pursuance of section 10 (1) (b) of the Act of 1925 from the register of pharmaceutical chemists or the register of druggists.

2. If any person whose name has been removed in pursuance of section 8 (4) of the Act of 1945 from the register of pharmaceutical chemists, the register of druggists or the register of students for non-payment of any fee, pays to the Society, before the expiration of such period (if any) as the Council allows, the fee and any additional sum prescribed in pursuance of Article 15 (3), the registrar shall, subject to the provisions of any direction of the Statutory Committee which is in force in relation to the name, register the name of that person; and, if the Council so directs, the registration shall have effect from the date on which the name was removed from the said register.

3. Where any person whose name has been removed as mentioned in paragraph 2, or a person employed by him in the carrying on of his business, has (whether before or after the removal of the name) been convicted of any such criminal offence, or been guilty of such misconduct, as, in the opinion of the Statutory Committee, renders the convicted or guilty person unfit to have his name on the register, the Committee may, after inquiring into the matter, direct that the name removed as aforesaid shall not be registered, or shall not be registered until the Committee otherwise direct; and, where the Committee direct that a name shall not be registered until the Committee otherwise direct, they may further direct that an application to the Committee in respect of the registration of the name shall not be entertained until the expiration of such period as is specified in the direction or the fulfilment of such conditions as are so specified.

4. Where the name of any person was absent from the register of pharmaceutical chemists or the register of druggists immediately before the commencement of this Order in pursuance of a direction given under section 13 (1) of the Act of 1945 for the removal of the name from that register, the Statutory Committee may, either of their own motion or on the application of that person, being an application made consistently with any direction of the Statutory Committee applicable to him, direct the registrar to register the name of that person, either without any fee or on payment to the Society of such fee as is prescribed in pursuance of Article 20 (2); but, where a judge of the High Court has dismissed an appeal against the direction given under the said section 13 (1), a direction under this paragraph shall not take effect unless approved by the Lord Chief Justice.

5. The provisions of Articles 21 and 22 and of paragraph 1 (2) of Schedule 3 shall apply in relation to a direction of the Statutory Committee under paragraph 3, and the provisions of Article 22 shall apply in relation to—

- (a) a direction such as is mentioned in paragraph 4, as they apply in relation to a direction under this Order; and
- (b) a refusal of an application such as is mentioned in paragraph 4, as they apply in relation to the refusal of an application under Article 20 (2).

6. Nothing in this Order shall affect any articles of apprenticeship entered into by any student of the Society before the 1st August 1967, and, in relation to any apprenticeship which is the subject of such articles, any provision of the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1955 (a), and any regulation made under such a provision, which was applicable thereto immediately before the 1st August 1967 shall be deemed to continue in force and to have effect as if the Pharmacy Act (Northern Ireland) 1967 (b) had not been passed and this Order had not been enacted.

7. Nothing in this Order shall affect the term of office of a member of the Council who holds office at the commencement of Article 4 (2).

Article 26 (b)

SCHEDULE 5

AMENDMENTS

The Interpretation Act (Northern Ireland) 1954 (c. 33)

1. In section 43 (2)—

(a) in the definitions of “Pharmacy Inspector” and “Pharmacy Registrar” for the words from “the Inspector” onwards there shall be substituted the words “the Pharmacy Inspector appointed under Article 24 (1), and the registrar appointed under Article 9 (1), of the Pharmacy (Northern Ireland) Order 1976;”;

(b) in the definition of “registered pharmacist” for the words “the Pharmacy and Poisons Acts (Northern Ireland) 1925 and 1945” there shall be substituted the words “the Pharmacy (Northern Ireland) Order 1976;”.

The Diseases of Animals Act (Northern Ireland) 1958 (c. 13)

2. In section 32G, in the definition of “registered pharmaceutical chemist”, for the words “the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1955” there shall be substituted the words “the Pharmacy (Northern Ireland) Order 1976”.

The Diseases of Animals (Amendment) Act (Northern Ireland) 1966 (c. 23)

3. In section 3 (1), the amendment of section 32G of the Diseases of Animals Act (Northern Ireland) 1958 set out above.

The Medicines Act 1968 (c. 67)

4. In section 69 (3)—

(a) in the definition of “the registrar”, for the words “section 8 (1) of the Pharmacy and Poisons Act (Northern Ireland) 1925” there shall be substituted the words “Article 9 (1) of the Pharmacy (Northern Ireland) Order 1976”; and

(b) in the definition of “the Statutory Committee”, for the words “section 12 of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945” there shall be substituted the words “Article 19 of the Pharmacy (Northern Ireland) Order 1976”.

5. In section 70 (3), for the words “the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945” there shall be substituted the words “the Pharmacy (Northern Ireland) Order 1976”.

6. In section 80 (5), for the words from “Part II of the Pharmacy” to “1945” there shall be substituted the words “the Pharmacy (Northern Ireland) Order 1976”.

7. In section 132 (1), in the definition of “pharmacist”, for the words “section 9 of the Pharmacy and Poisons Act (Northern Ireland) 1925” there shall be substituted the words “Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976”.

8. In Schedule 4, in paragraph 1 (2), for the words “section 9 of the Pharmacy and Poisons Act (Northern Ireland) 1925” there shall be substituted the words “Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976”.

(a) 1925 c. 8 (N.I.); 1945 c. 9 (N.I.); 1955 c. 31 (N.I.).

(b) 1967 c. 12 (N.I.).

REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5 c. 8.	The Pharmacy and Poisons Act (Northern Ireland) 1925.	<p>The whole Act except—</p> <p>(a) section 8, in so far as it relates to the appointment and functions of the inspector appointed by the Head of the Department of Health and Social Services;</p> <p>(b) section 23, in so far as it relates to the reporting of offences against the provisions of section 25 of that Act or of Part III of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945;</p> <p>(c) section 25;</p> <p>(d) section 27 (1), in so far as it relates to the salary of the inspector;</p> <p>(e) section 28 (1), in so far as it is required for the purposes of section 25;</p> <p>(f) in section 30, the definitions of “Department of Health and Social Services” and “non-medicinal poison”, in so far as they are required for the purposes of the unrepealed provisions; and</p> <p>(g) section 32.</p>
1945 c. 9.	The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.	<p>Part II.</p> <p>Sections 34 (except subsection (5)) and 35 (2).</p> <p>In section 36—</p> <p>(a) subsections (1) to (4), in so far as they relate to the inspector appointed by the Head of the Department; and</p> <p>(b) in subsections (2) and (3), the words “and Part II of this Act”.</p> <p>In section 38, the definitions of “certificate of registration”, “Council”, “Registrar” and “Society”, and, in the definition of “registered”, in paragraph (a), the words “or student”.</p> <p>Section 41 (2).</p> <p>Schedule 2.</p>

Chapter	Short Title	Extent of Repeal
1955 c. 31.	The Pharmacy and Poisons Act (Northern Ireland) 1955.	Part II. Section 12. In section 15, the definitions of "the Council" and "the Society". The Schedule.
10 & 11 Eliz. 2 c. 30.	The Northern Ireland Act 1962.	In Schedule 1, in Part I, the entry relating to the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.
1967 c. 12.	The Pharmacy Act (Northern Ireland) 1967.	The whole Act.
1967 c. 29.	The Increase of Fines Act (Northern Ireland) 1967.	In Schedule 1, in Part I, the entries relating to— (a) the Pharmacy and Poisons Act (Northern Ireland) 1925; and (b) section 9 of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.
1968 c. 67.	The Medicines Act 1968.	In Schedule 7, paragraphs 1, 2, 4, 6, 8 to 11, 23, 26 to 29 and 30 (a).
1971 c. 38.	The Misuse of Drugs Act 1971.	In section 37 (5) the words from "and so long" to the end of the subsection.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates with amendments certain enactments relating to pharmacy.

STATUTORY INSTRUMENTS

1976 No. 1213 (N.I. 22)

NORTHERN IRELAND

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