

EXPLANATORY MEMORANDUM TO

The Council of the Pharmaceutical Society of Northern Ireland (Appointments and Procedure) Regulations (Northern Ireland) 2012

SR 2012 No. 309

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred on the Department by Article 4 (2) of, and paragraph 3 of Schedule 2 to the Pharmacy (Northern Ireland) Order 1976 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The proposed Statutory Rule makes provision with regard to the constitution of the Council of the Pharmaceutical Society of Northern Ireland (the Society).
- 2.2. Certain categories of people, for example those who have been convicted of certain types of offences where the conviction is not spent, are disqualified from being members of the Council.
- 2.3. There are also provisions relating to the appointment, term of office and cessation of office of the President and Vice-President of the Council and the deputizing arrangements in respect of the President.
- 2.4. The regulations also determine the quorum of members and make provisions to prevent the Council's proceedings being invalidated by matters such as a vacancy or defect in the appointment of a member.

3. Background

- 3.1. Legislation setting out new constitutional arrangements for the Council of the Pharmaceutical Society of Northern Ireland (the Society) was formally approved by the Northern Ireland Assembly on 31 January 2012. That legislation – The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 - made provision for the Department of Health, Social Services and Public Safety (the Department) to set out the constitutional details for the Council of the Society in separate regulations.

4. Consultation

- 4.1. The Department held a consultation on the content of the draft regulations from 6 February 2012 – 2 April 2012. The consultation list comprised political representatives together with those who the Department considered would have an interest in the subject matter. This included all pharmaceutical chemists and pre-registration pharmacists on the Pharmaceutical Society of Northern Ireland's register. In total around 2,600 consultation letters were issued.

- 4.2. The consultation received 13 responses (0.5% response rate), of which four offered no comments. Generally respondents were supportive of the proposals.
- 4.3. Some respondents sought guidance on the application of certain provisions and the Department understands the Society will produce a handbook for Council members which will include matters such as attendance and availability. One respondent felt that the regulation relating to the term of office of the President and Vice-President was confusing. The Department has amended the legislation to provide more clarity to the regulation.
- 4.4. The full Consultation Report has been placed on the Department's website.

5. Equality Impact

- 5.1. The Department has considered the potential impact on section 75 groups and has concluded that there is unlikely to be an adverse impact.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment is not considered necessary as it is anticipated that there will be no adverse impact on business, charities, social enterprise or voluntary bodies.

7. Financial Implications

- 7.1. There will be minimal additional costs for the Department of Health, Social Services and Public Safety arising from this draft statutory rule. These will primarily relate to advertising for the appointment of Council members which will be covered from within existing budgets.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These Regulations do not breach section 24 of the Northern Ireland Act 1998, as they are not incompatible with any of the Convention rights or community law, and they do not discriminate against a person on the grounds of religious belief or political opinion. Nor do these Regulations modify or amend any of the enactments stated in section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. In GB the General Pharmaceutical Council (GPhC) is the regulator of pharmacists and these proposed regulations closely correspond to those applied by the GPhC.

11. Additional Information

- 11.1. Not applicable.