EXPLANATORY MEMORANDUM TO

The Council of the Pharmaceutical Society of Northern Ireland (Statutory Committee, Scrutiny Committee and Advisers) Regulations (Northern Ireland) 2012

SR 2012 No. 310

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 Article 19(8), and paragraph 2(5) of Schedule 2 and paragraphs 17(4) and 18(8) of Schedule 3, to the Pharmacy (Northern Ireland) Order 1976 and is subject to the negative resolution procedure.

2. Purpose

2.1. The proposed Statutory Rule sets out various matters relating to the Statutory Committee and the Scrutiny Committee of the Pharmaceutical Society of Northern Ireland and to the functions of advisers to these committees.

2.2. The regulations also set out the composition of the Scrutiny Committee and provide detail on the eligibility of former members of Council for appointment to the Statutory Committee or Scrutiny Committee. The disqualifications which apply for appointment to either committee are also listed.

2.3. Details of the term of office to be held by Scrutiny Committee members are outlined and there are provisions for the Chair of committees to co-opt members. The functions of legal, clinical and other specialist advisers to both the Statutory Committee and Scrutiny Committee are also detailed.

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 Council of the Society to make regulations in relation to the procedures to be followed by the Society when considering matters relating to the Statutory and Scrutiny Committees and the functions of their advisers.

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. Two professional representative organisations commented on the composition of the Scrutiny Committee. One felt that a panel of 6 members with a quorum of 3 was sufficient, whilst another suggested the quorum should be 5. Another organisation welcomed the proposed increase in membership to ten, but believed that the quorum should be increased to 5.

4.4. Taking account of the views of the respondents, the Department now believes that a total of 8 members are sufficient for the Scrutiny Committee. This will provide flexibility of membership for hearings and ensure that all members have the opportunity to carry out their duties effectively. The legislation has been amended in relation to the composition of the Scrutiny Committee.

4.5. The Department believes however, that the quorum of 3 is adequate. Panels of more than 3 members can be established should it be deemed appropriate.

4.6. A number of respondents commented that the wording in Regulations 21 and 24 was inaccurate and should be rectified. The Department accepts that regulations 21 and 24 implied that parties were present at a Scrutiny Committee meeting which is not the case. The legislation has now been amended to remove reference to the Scrutiny Committee in regulations 21 and 24.

4.7. 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.

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 or 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.