

## EXPLANATORY MEMORANDUM TO

### The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013

S.R. 2013 No. 147

#### 1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety (DHSSPS) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 4A(9) and (10), 5(1)(ff), (fff) and (ffg) of, and paragraphs 5(1) and 2(b), and 15(1)(b), (2) and (3) of Schedule 3 to, the Pharmacy (Northern Ireland) Order 1976, and is subject to the negative resolution procedure.

#### 2. Purpose

- 2.1. The main purpose of the rule is to make provision for the functions of the Statutory Committee when dealing with appeals against the removal of registered person or the annotation recorded against a registered person's name from the register.
- 2.2. The rule also removes from Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012, (S.R. 2012 No.312) hereafter referred to as the "principal regulations", the provision for a registered person to request a hearing following receipt of the registrars' Notice of Intention to remove their name from the register.

#### 3. Background

- 3.1. **Amending regulation 2** amends regulation 1 of the principal regulations to include new definitions.
- 3.2. **Amending regulations 3, 4 and 5** amend regulations 5, 6 and 7 of the principal regulations to remove the provision for a registered person to request a hearing following receipt of the registrars' Notice of Intention to remove their name from the register.
- 3.3. **Amending regulation 6** amends regulation 8 of the principal regulations to include a time limit for lodging an appeal where the name of a registered person, or the annotation recorded against the registered person's name is removed from the register.
- 3.4. **Amending regulation 8** amends 11 of the principal regulations to include the action required where the registrar has refused an application for the restoration of the annotation to be recorded against a registered person's name in the register.
- 3.5. **Amending regulation 9** inserts new regulations 12 to 29 into the principal regulations which deal with appeals to and the procedures to be followed by, the Statutory Committee.

#### **4. Consultation**

4.1. A targeted consultation exercise on the amending regulations began on the 31 December 2012 and ended on the 22 February 2013.

4.2. Five responses were received

#### **5. Equality Impact**

5.1. The Department concluded that the new arrangements were not likely to have a significant impact on equality of opportunity for any group referred to in section 75 of the Northern Ireland Act 1998 and therefore a full EQIA was not recommended.

#### **6. Regulatory Impact**

6.1. A regulatory impact assessment has not been produced for this rule as it has no impact on the costs of business, charities or the voluntary sector.

#### **7. Financial Implications**

7.1. None.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1. Legal advice confirms that the provisions of this rule comply with section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

9.1. Not appropriate

#### **10. Parity or Replicatory Measure**

10.1. The amendments proposed, reflect in the main, provisions introduced in England, Wales and Scotland.

#### **11. Additional Information**

11.1. Not applicable.