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STATUTORY INSTRUMENTS

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**2015 No. 806**

**The Health Care and Associated Professions  
(Knowledge of English) Order 2015**

**PART 2**

**The Pharmacy (Northern Ireland) Order 1976**

4. The Pharmacy (Northern Ireland) Order 1976(1) is amended in accordance with articles 5 to 10.

**Interpretation: “the necessary knowledge of English”**

5. In article 2(2) (interpretation)(2), insert in the appropriate place—

““the necessary knowledge of English”, in relation to a person registered, or desirous of being registered, in the register of pharmaceutical chemists, means a knowledge of English which is necessary for the safe and effective practice as a pharmaceutical chemist in Northern Ireland;”.

**Regulations**

6.—(1) Article 5 (Regulations made by the Council: general) is amended as follows.

(2) In paragraph (1)(bb)(3), after “mental health”, insert “, the necessary knowledge of English”.

(3) After paragraph (1A)(4), insert—

“(1B) Regulations made by the Council under this Article must provide for a person desirous of being registered as a pharmaceutical chemist under this Order to satisfy the registrar that the person has the necessary knowledge of English.”.

**Qualifications for registration as a pharmaceutical chemist in Northern Ireland**

7. In article 8(2A) (qualifications for registration)(5), after “mental health” insert “, the necessary knowledge of English”.

**Necessary knowledge of English: applicants for registration in the register of pharmaceutical chemists**

8. After article 8A (registration by virtue of appropriate European diploma)(6) insert—

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(1) S.I. 1976/1213 (N.I. 22).

(2) Amendments have been made to article 2(1) which are not relevant to this Order.

(3) Paragraph (1)(bb) of article 5 was inserted by S.I. 1994/429 (N.I. 2).

(4) Paragraph (1A) of article 5 was inserted by S.R. 2008/192.

(5) Paragraph (2A) was inserted by S.I. 1994/429 (N.I. 2).

(6) Article 8A was inserted by S.R. 1987/457.

### **“Supplementary provisions as to the necessary knowledge of English**

**8AA.**—(1) The Society must publish guidance about—

- (a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under regulations made under Article 5(1) by virtue of Article 5(1B) that the applicant has the necessary knowledge of English; and
- (b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in sub-paragraph (a).

(2) The registrar must have regard to the guidance published under paragraph (1) in determining whether the registrar is satisfied as mentioned in paragraph (1)(a).

(3) Paragraphs (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant’s application, the registrar is not satisfied under Article 5(1B) that the applicant has the necessary knowledge of English.

(4) The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify.

(5) The registrar may not exercise any power under paragraph (4) unless the registrar has complied with any duty under Article 11ZA(2).

(6) The registrar may require the applicant—

- (a) to undergo an examination or other assessment; and
- (b) to provide information in respect of that examination or assessment,

within such period as the registrar may specify.

(7) In the case of an applicant who is an exempt person, the registrar may not exercise the power under paragraph (6) without having first—

- (a) exercised the power under paragraph (4); and
- (b) considered any further evidence, information or documents provided by the applicant.

(8) Guidance published under paragraph (1) may make different provision in relation to different cases or classes of case.

(9) Before issuing such guidance or varying or withdrawing it, the Society must consult such persons, or representatives of such persons, as it considers appropriate including, as it sees fit—

- (a) registered pharmaceutical chemists;
- (b) employers of registered pharmaceutical chemists;
- (c) users of services of registered pharmaceutical chemists; and
- (d) the Regional Health and Social Care Board.

(10) In this article, references to an applicant are to a person desirous of being registered as a pharmaceutical chemist under this Order.”.

### **Recognition of qualification of exempt persons**

**9.** After article 11 (evidence of qualification to be registered)(7) insert—

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(7) Article 11 has been amended by [S.R. 2008/192](#) and [S.R. 2012/308](#).

**“Recognition of qualification of exempt persons**

**11ZA.**—(1) Paragraph (2) applies in relation to a person applying for registration as a pharmaceutical chemist under this Order (“A”) if—

- (a) A has paid the prescribed fee for registration; and
- (b) the registrar is satisfied that A falls within Article 8(2)(c); but
- (c) the registrar decides to make a request under Article 8AA(4).

(2) The registrar must notify A that the registrar recognises that A, by virtue of falling within Article 8(2)(c), is entitled to be registered in the register of pharmaceutical chemists, subject to meeting any other requirements for registration.”.

**Fitness to practise of pharmaceutical chemists in Northern Ireland**

**10.**—(1) Schedule 3 (fitness to practise)(**8**) is amended as follows.

(2) After paragraph 4(1)(c) (impairment of fitness to practise) insert—

“(ca) the person not having the necessary knowledge of English;”.

(3) After paragraph 15(3)(i) (regulations in respect of proceedings), insert—

“(ia) enabling the Scrutiny Committee or the Statutory Committee during the course of proceedings, to direct the person concerned to undertake an examination or other assessment of the person’s knowledge of English;”.