



2008 CHAPTER 2

Pharmaceutical services

Pharmaceutical services

10.—(1) Immediately before Article 63 of the Order of 1972 (arrangements for pharmaceutical services) insert the cross-heading—

“Pharmaceutical services”.

- (2) Paragraphs (2A) to (2D) of that Article shall cease to have effect.
(3) After that Article insert—

“Persons providing pharmaceutical

63AA.—(1) Regulations may provide that a health care professional of a prescribed description may not provide any pharmaceutical services for which a Health and Social Services Board is responsible unless that professional is included in a list maintained under the regulations by a Health and Social Services Board.

- (2) Regulations under paragraph (1) shall include provision—
- (a) that an application to a Health and Social Services Board for inclusion in such a list shall be made in the prescribed manner and shall state—
- (i) the pharmaceutical services which the applicant will undertake to provide and, if they consist of or include the supply of appliances, which appliances he will undertake to supply; and
- (ii) the premises from which he will undertake to provide those pharmaceutical services;
- (b) that, except in prescribed cases—

- (i) an application for inclusion in such a list by a person not already included; and
 - (ii) an application by a person already included in such a list for inclusion also in respect of pharmaceutical services or premises other than those already listed in relation to him,shall be granted only if the Health and Social Services Board is satisfied, in accordance with the regulations, that it is necessary or desirable to grant it in order to secure in the neighbourhood in which the premises are located the adequate provision by persons included in the list of the pharmaceutical services or some of the pharmaceutical services, specified in the application; and
- (c) for the removal of an entry in respect of premises from a list if it has been determined in the prescribed manner that the person to whom the entry relates—
 - (i) has never provided from those premises, or
 - (ii) has ceased to provide from them,the pharmaceutical services, or any of the pharmaceutical services, which he is listed as undertaking to provide from them.
- (3) Regulations under paragraph (1) may include provision—
 - (a) that an application to a Health and Social Services Board may be granted in respect of some only of the pharmaceutical services specified in it;
 - (b) that an application to a Health and Social Services Board relating to pharmaceutical services of a prescribed description shall be granted only if it appears to the Board that the applicant has satisfied such conditions with regard to the provision of those pharmaceutical services as may be prescribed;
 - (c) that an application to a Health and Social Services Board by a person who qualified to have his name registered under the Pharmacy (Northern Ireland) Order 1976 by virtue of Article 8(2)(c) of that Order (qualification by European diploma) shall not be granted unless the applicant satisfies the Board that he has the knowledge of English which, in the interests of himself and the persons making use of the pharmaceutical services to which the application relates, is necessary for the provision of pharmaceutical services in the Board's area;
 - (d) that the inclusion of a person in a list in pursuance of such an application may be for a fixed period;
 - (e) that, where the premises from which an application states that the applicant will undertake to provide pharmaceutical services are in an

area of a prescribed description, the applicant shall not be included in the list unless his inclusion is approved by a prescribed body and by reference to prescribed criteria; and

(f) that the prescribed body may give its approval subject to conditions.

(4) For the purposes of this Article—

(a) “health care professional” has the same meaning as in Article 15C;

(b) a Health and Social Services Board is responsible for pharmaceutical services if it secures provision of the services, under or by virtue of Article 63 or 63A.

(5) Paragraphs (3), (3A), (3B) and (4) of Article 57G apply for the purposes of regulations made under this Article in the same manner as those paragraphs apply for the purposes of regulations made under paragraph (1) of that Article.”.