
STATUTORY INSTRUMENTS

1972 No. 1265

Health and Personal Social Services (Northern Ireland) Order 1972

PART VI

GENERAL HEALTH SERVICES

[^{F1}Pharmaceutical services]

[^{F1} Persons providing pharmaceutical

63AA.—^{F2}(1)

(2) [^{F3}Regulations under Article 63] shall include provision—

[for the preparation, publication and maintenance of lists of persons, other than medical
^{F4}(za) practitioners or dental practitioners, who undertake to provide pharmaceutical services;]

(a) that an application to [^{F5}the Department] 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 [^{F5}the Department] 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) [^{F6}Regulations under Article 63] may include provision—

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Section 63AA is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) that an application to [^{F7}the Department] 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 [^{F7}the Department] 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 [^{F8}(relevant European qualification)] 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 ^{F9}...;
- (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.

[
^{F10}(3A) Regulations under Article 63 shall include provision conferring on such persons as may be prescribed rights of appeal [^{F11}to a prescribed body] from decisions made by virtue of paragraph (2) or (3).

[
^{F12}(3AA) Regulations making provision as to the matters referred to in paragraph (3A) may in particular make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.]

(3B) Regulations under Article 63 shall be framed as to preclude—

- (a) a person included in a list under paragraph (2)(za), and
- (b) an employee of such a person,

from taking part in the decision whether an application such as is mentioned in paragraph (2)(b) should be granted or an appeal against such a decision brought by virtue of paragraph (3A) should be allowed.]

^{F13}(4)

^{F13}(5)]

F1 Art. 63AA inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008](#) (c. 2), ss. **10(3)**, 18(1)(a)

F2 Art. 63AA(1) repealed (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), ss. 11(2), 20(2), **Sch. 2 Pt. 1**

F3 Words in art. 63AA(2) substituted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), ss. **11(3)**, 20(2)

F4 Art. 63AA(2)(za) inserted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), ss. **11(4)**, 20(2)

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- F5** Words in art. 63AA(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(2\)](#); S.R. 2022/102, art. 2(b)
- F6** Words in art. 63AA(3) substituted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 11\(3\), 20\(2\)](#)
- F7** Words in art. 63AA(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(3\)\(a\)](#); S.R. 2022/102, art. 2(b)
- F8** Words in art. 63AA(3)(c) substituted (31.12.2020) by [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\), reg. 1\(2\), Sch. para. 25 \(with Pt. 3\) \(as amended by S.I. 2020/1394, reg. 20\(7\)\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in art. 63AA(3) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(3\)\(b\)](#); S.R. 2022/102, art. 2(b)
- F10** Art. 63AA(3A)(3B) inserted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 11\(5\), 20\(2\)](#)
- F11** Words in art. 63AA(3A) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(4\)](#); S.R. 2022/102, art. 2(b)
- F12** Art. 63AA(3AA) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(5\)](#); S.R. 2022/102, art. 2(b)
- F13** Art. 63AA(4)(5) repealed (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 11\(6\), 20\(2\), Sch. 2 Pt. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)