
STATUTORY INSTRUMENTS

1972 No. 1265

**Health and Personal Social Services
(Northern Ireland) Order 1972**

PART VI

GENERAL HEALTH SERVICES

[^{F1}Pharmaceutical services]

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

Arrangements for pharmaceutical services

[^{F3} (1) Every Health and Social Services Board shall, in accordance with regulations, make arrangements in respect of its area for the [^{F4} provision] to persons who are in that area of—

- (a) proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his functions—
 - (i) in providing any service in pursuance of this Order; or
 - (ii) in the health services established in pursuance of section 1 of the National Health Service Act 1977 or section 1 of the National Health Service (Scotland) Act 1978 ; or
 - (iii) in the armed forces of the Crown (excluding forces of a Commonwealth country and forces raised in a colony);^{F5} . . .
- (b) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of such functions;^{F6} . . .
- (bb) [^{F7}listed drugs and medicines and listed appliances which are ordered for those persons by [^{F8} a pharmacist or] a prescribed description of registered nurse, midwife or health visitor in pursuance of such functions; and]
- (c) [^{F9}such services as may be prescribed;]

[^{F10}and the services provided in accordance with the arrangements are, together with additional pharmaceutical services provided in accordance with a direction under Article 63A, referred to in this Order as “pharmaceutical services”.]

[^{F11}(2) Regulations shall provide for securing that arrangements made by a Health and Social Services Board under paragraph (1) will enable persons in the Board's area for whom drugs, medicines or appliances mentioned in that paragraph are ordered as there mentioned [^{F12}, or to whom services mentioned in paragraph (1)(c) are to be provided] to receive them from persons with whom such arrangements have been made.

(2A) ^{F13}

Status: Point in time view as at 26/03/2008.

Changes to legislation: Health and Personal Social Services (Northern Ireland) Order 1972, *Pharmaceutical services* is up to date with all changes known to be in force on or before 25 August 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)

(2B) ^{F13}

(2C) ^{F13}

(2D) ^{F13}]

(3) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the pharmaceutical profession.

^{F14}(4) In this Article “listed” means included in a list for the time being approved for the purposes of this Article by the Department.]

F2	mod. by SR 2004/259
F3	1978 NI 26
F4	1991 NI 1
F5	1992 NI 18
F6	1992 NI 18
F7	1992 NI 18
F8	2003 NI 9
F9	1991 NI 1
F10	1997 NI 7
F11	1986 NI 20
F12	1991 NI 1
F13	Art. 63(2A)-(2D) repealed (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2) , ss. 10(2), 18(1)(a)(c), Sch. 2 Pt. 1
F14	1978 NI 26

[^{F15} 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.]

F15 Art. 63AA inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008](#) (c. 2), ss. **10(3)**, 18(1)(a)

[^{F16}Arrangements for providing additional pharmaceutical services

- 63A.**—(1) The Department may—
- (a) give directions to a Health and Social Services Board requiring it to arrange for the provision to persons in its area of additional pharmaceutical services; or
 - (b) by giving directions to a Health and Social Services Board authorise it to arrange for such provision if it wishes to do so.

Status: Point in time view as at 26/03/2008.

Changes to legislation: Health and Personal Social Services (Northern Ireland) Order 1972, Pharmaceutical services is up to date with all changes known to be in force on or before 25 August 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)

(2) Directions under this Article may make different provision in relation to different services specified in the directions.

(3) The Department must publish any directions under this Article in the Drug Tariff or in such other manner as it thinks appropriate.

(4) In this Article—

“additional pharmaceutical services”, in relation to directions, means such services (of a kind that do not fall within Article 63) as may be specified in the directions; and

“Drug Tariff” means the Drug Tariff published under regulation 40 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973 or under any corresponding provision replacing, or otherwise derived from, that regulation.]

F16 1997 NI 7

[^{F17}Terms and conditions etc.

63B.—(1) Directions under Article 63A may require the Health and Social Services Board to which they apply, when making arrangements—

- (a) to include, in the terms on which the arrangements are made, such terms as may be specified in the directions;
- (b) to impose, on any person providing a service in accordance with the arrangements, such conditions as may be so specified.

(2) The arrangements must secure that any service to which they apply is provided only by a person whose name is included in a pharmaceutical list.

(3) Different arrangements may be made with respect to—

- (a) the provision of the same service by the same person but in different circumstances; or
- (b) the provision of the same service by different persons.

(4) A Health and Social Services Board must provide details of proposed arrangements (including the remuneration to be offered for the provision of services) to any person who asks for them.

(5) After making any arrangements, a Health and Social Services Board must publish, in such manner as the Department may direct, such details of the arrangements as the Department may direct.

(6) In this Article, “pharmaceutical list” means, subject to any provision of the directions in question, a list—

- (a) published by the Health and Social Services Board concerned, or by any other Health and Social Services Board, in accordance with regulations made under Article 63(2A)(a); or
- (b) published by any body in accordance with regulations made under section 27(2)(a) of the National Health Service (Scotland) Act 1978 or section 42(2)(a) of the National Health Service Act 1977.]

F17 1997 NI 7

Persons authorised to provide pharmaceutical services

64.—[^{F18}(1) Except as provided[^{F19} by or under regulations], an arrangement shall not be made by a Health and Social Services Board—

Changes to legislation: Health and Personal Social Services (Northern Ireland) Order 1972, Pharmaceutical services is up to date with all changes known to be in force on or before 25 August 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)

- (a) with a medical or dental practitioner, under which he is required or agrees to provide pharmaceutical services to any person to whom he is rendering^{F20} primary medical services] or general dental services; or
- (b) with a person who is not a pharmacist, for the dispensing of medicines.

[
^{F21}(1A) Regulations shall provide for the preparation and publication by a Health and Social Services Board of one or more lists of medical practitioners who are required or agree to provide drugs, medicines or listed appliances in the Board's area.

(1B) In paragraph (1A) “listed” has the same meaning as in Article 63.

(1C) The regulations shall include provision for the removal of an entry from a list in prescribed circumstances.]

[
^{F22}(2) No arrangements for the provision of pharmaceutical services falling within Article 63(1) (c)^{F23}, or additional pharmaceutical services provided in accordance with a direction under Article 63A,] shall be made with persons other than those who are pharmacists or are of a prescribed description.]]

F18	1991 NI 1
F19	1986 NI 20
F20	2004 NI 2
F21	1997 NI 7
F22	1991 NI 1
F23	1997 NI 7

Status:

Point in time view as at 26/03/2008.

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, Pharmaceutical services is up to date with all changes known to be in force on or before 25 August 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.