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## STATUTORY INSTRUMENTS

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# 1976 No. 1213

## Pharmacy (Northern Ireland) Order 1976

### PART II

#### THE PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND

##### The Society

3.—(1) There shall continue to be a Pharmaceutical Society of Northern Ireland (“the Society”).

(2) The constitution of the Society shall be as provided in that behalf in Part I of Schedule 1; and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Society.

(3) The objects of the Society shall be—

- (a) to advance chemistry and pharmacy;
- (b) to promote pharmaceutical education and the application of pharmaceutical knowledge;
- (c) to maintain the honour and safeguard and promote the interests of the members of the Society in their exercise of the profession of pharmacy;
- (d) to execute all such functions as may be entrusted to the Society under any enactment;
- (e) to provide relief for distressed persons, being—
  - (i) members of the Society;
  - (ii) persons who at any time have been members of the Society or have been registered as either pharmaceutical chemists, or chemists and druggists, or druggists or apprentices to pharmaceutical chemists, or as students of the Society; or
  - (iii) <sup>F1</sup>surviving spouses, surviving civil partners,] orphans or dependants of deceased persons who were at any time members of the Society or registered as aforesaid.

(4) Without prejudice to any other provision of this Order, the Society may—

- (a) acquire and hold land for the purposes for which the Society is constituted, and either dispose of or charge any such land;
- (b) approve bye-laws made under Article 4;
- (c) undertake and execute any lawful trust for the furtherance of any of the objects of the Society;
- (d) accept gifts and donations and support, or aid in the support of, charitable or benevolent associations or institutions, or any cause which appears to the Society to be deserving of its support or aid;
- (e) invest any funds of the Society not required for immediate use or to meet the usual accruing liabilities of the Society in any investment authorised by law for the investment of trust property;
- (f) apply funds under the Society's control towards providing scholarships for the furtherance of education and research in pharmacy, in accordance with regulations under Article 5;

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- (g) do all such other matters and things as are reasonably necessary for, or incidental to the furtherance of, the objects of the Society or any of them, or the exercise of the powers of the Society or any of them.

(5) Any money received by the Society on the disposal of any land under paragraph (4)( a) shall be applied by the Society to some purpose of its functions to which capital moneys are properly applicable.

F1 2004 c.33

### The Council

4.—(1) There shall continue to be a Council of the Society ( “the Council”) with a President and a Vice-President.

[<sup>F2</sup>(2) The provisions of Schedule 2 shall have effect with respect to the Council.]

- (3) The Council may on behalf, and for the benefit, of the Society—
- (a) direct and manage the business and affairs of the Society, and exercise all such powers of the Society as are not by this Order required to be exercised by the Society in general meeting, in accordance with and subject to approved bye-laws made by the Council;
  - (b) control and manage the property and funds of the Society and invest and apply the same in such manner as the Council may determine, subject to such general or special directions (if any) as may be contained in approved bye-laws made by the Council with respect to the control and management of such property and funds;
  - (c) regulate the functions of the secretary, treasurer, clerks and other subordinate officers and their terms and conditions of service;
  - (d) employ and pay such auditors, accountants and other advisers as the Council may think fit.

F2 Art. 4(2) substituted (1.10.2012) by The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308), arts. 1(1), 3 (with Sch. 3)

### [<sup>F3</sup>Continuing professional development

- 4A.—(1) The Council shall—
- (a) set the standards of proficiency for the safe and effective practise of pharmacy which it is necessary for a registered person to maintain in order for their name to be retained in the register; and
  - (b) set the standards of continuing professional development which it is necessary for a registered person to maintain in order to continue to meet the standards of proficiency referred to in sub-paragraph (a);
- (2) The Council shall keep the standards set under this Article under review and may vary or withdraw those standards whenever it considers it appropriate to do so.
- (3) The Council must publish the standards set under this Article, as they exist from time to time, in such manner as it considers appropriate.
- (4) Before varying or withdrawing the standards referred to in paragraph (1), the Council shall consult such persons as it considers appropriate.
- (5) The Council shall—

- (a) consult such persons as it considers appropriate about the development of criteria by reference to which compliance with the standards set under paragraph (1)(b) is to be monitored, and
  - (b) publish those criteria as they exist from time to time in such manner as it considers appropriate.
- (6) The Council shall—
- (a) adopt and maintain a framework relating to the requirements and conditions to be met by registered persons in respect of their continuing professional development; and
  - (b) require registered persons—
    - (i) to complete an annual declaration regarding their compliance with such requirements and conditions in respect of their continuing professional development as they are obliged to meet by that framework, and
    - (ii) to submit records about any continuing professional development undertaken by them to the registrar for review.
- (7) The framework adopted by the Council under paragraph (6)(a)—
- (a) must include provision relating to—
    - (i) the amount and type of continuing professional development that a registered person is required to undertake,
    - (ii) the information to be provided by a registered person about the continuing professional development that the registered person has undertaken and the form and manner in which that information is to be provided,
    - (iii) the times at which information about the continuing professional development that a registered person has undertaken is to be provided (including any continuing professional development that relates to an annotation in respect of a particular specialist area of practice that is to be recorded against the registered person's name in the register),
    - (iv) the keeping of records about the continuing professional development undertaken by registered persons; and
  - (b) must require that any continuing professional development that is undertaken by a registered person in accordance with it is relevant to—
    - (i) the safe and effective practice of pharmacy, and
    - (ii) a learning need for the individual registered person that is relevant to the current scope of the practice of pharmacy including any specialist area of practice of that individual registered person and the environment in which they practise;
- <sup>F4</sup>(c) .....
- (8) The Council must publish the framework adopted by it under paragraph (6)(a), as it exists from time to time, in such manner as it considers appropriate.
- (9) The Council must make such provision in regulations as it considers appropriate with respect to registered persons who fail to comply with any requirements of the framework adopted by the Council under paragraph (6)(a).
- (10) Regulations under paragraph (9) must—
- (a) make provision about the circumstances in which the registrar may remove the name of the registered person from the register, or impose such other remedial measures as may be specified in the regulations, where the registered person—

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- (i) has failed to comply with the requirements or conditions of the framework adopted by the Council under paragraph (6)(a) relating to the continual professional development of registered persons; or
- (ii) has made a false declaration about compliance with those requirements or conditions;

<sup>F5</sup>(b) .....

- (c) make provision for the registrar to send a statement in writing to the registered person concerned giving the registered person notice of the removal and the reasons for it and of right of appeal to the Statutory Committee under paragraph (13);
- (d) make provision for the suspension of a registered person’s entry in the register pending the outcome of any appeal against a decision to remove the name of the registered person from the register;
- (e) make provision about the circumstances in which the registrar, upon an application being made by a person whose name has been removed from the register, may restore the name to the register and whether, and if so what, continuing professional development is required after restoration, and the regulations may make provision—
  - (i) for these issues to be determined in individual cases by the registrar,
  - (ii) enabling the registrar to determine that the application for restoration is to be granted subject to the applicant agreeing to comply with such undertakings with regard to continuing professional development as the registrar considers appropriate, and
  - (iii) refusal of applications.

(11) Where a person who has agreed to comply with an undertaking pursuant to regulations made under paragraph (10)(e) breaches that undertaking, that breach may be treated as misconduct for the purposes of paragraph (4)(1)(a) of Schedule 3 and the registrar must consider, in accordance with paragraph (5)(1) of Schedule 3, whether or not to refer the matter to the Scrutiny Committee or (where regulations under paragraph (5)(1) of Schedule 3 so provide) to the Statutory Committee.

(12) Where the registrar refuses an application for restoration of a person’s name to the register, the registrar must send to the applicant a statement in writing giving the applicant notice of decision and the reasons for it and the right of appeal to the Statutory Committee under paragraph (13).

(13) In accordance with regulations made under paragraph (10), a person in respect of whom a decision has been made by the registrar to—

- (a) remove their name from the register;
- (b) impose such remedial measure as may be specified; or
- (c) refuse an application for restoration of their name to the register,

may appeal from that decision to the Statutory Committee which may decide the appeal.

<sup>F6</sup>(14) .....

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| <b>F3</b> | Arts. 4A-4D inserted (1.10.2012, 1.6.2013) by <a href="#">The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308)</a> , arts. 1(1), <b>4</b> (with Sch. 3)   |
| <b>F4</b> | Art. 4A(7)(c) omitted (31.12.2020) by virtue of <a href="#">The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585)</a> , reg. 1(2), <b>Sch. para. 4</b> (with Sch. Pt. 3) (as amended by <a href="#">S.I. 2020/1394</a> , reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)  |
| <b>F5</b> | Art. 4A(10)(b) omitted (31.12.2020) by virtue of <a href="#">The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585)</a> , reg. 1(2), <b>Sch. para. 4</b> (with Sch. Pt. 3) (as amended by <a href="#">S.I. 2020/1394</a> , reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1) |

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**F6** Art. 4A(14) omitted (31.12.2020) by virtue of [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\)](#), reg. 1(2), [Sch. para. 4](#) (with Sch. Pt. 3) (as amended by [S.I. 2020/1394](#), reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

### The Council's duties in respect of publications

**4B.**—(1) The Council shall from time to time publish or provide in such manner as it sees fit information about the regulation of pharmaceutical chemists and registered pharmacies.

(2) The Council may from time to time publish or provide in such manner as it sees fit guidance to registered persons, employers and such other persons it considers appropriate in respect of the standards for the education, training, supervision and performance of persons who are not registered persons but who provide services in connection with those provided by registered persons.

**F3** Arts. 4A-4D inserted (1.10.2012, 1.6.2013) by [The Pharmacy \(1976 Order\) \(Amendment\) Order \(Northern Ireland\) 2012 \(S.R. 2012/308\)](#), arts. 1(1), [4](#) (with Sch. 3)

### Accounts

**4C.**—(1) The Council shall be responsible for ensuring that the Society—

- (a) keeps accounts, which shall be in such form as the Department may determine; and
- (b) prepares annual accounts in respect of each year, which shall be in such form and shall be prepared by such date as the Department may determine.

(2) Those annual accounts shall be audited by auditors appointed by the Council, but no person may be appointed as an auditor under this paragraph unless that person is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006 (statutory auditors).

(3) As soon as is reasonably practicable after those accounts have been prepared, the Council shall—

- (a) cause them to be published together with any report on them made by the auditors appointed under paragraph (2); and
- (b) send a copy of those annual accounts and of any such report to the Department,

and the Department shall lay before the Assembly a copy of those annual accounts and any report on the accounts made by the auditors appointed under paragraph (2).

**F3** Arts. 4A-4D inserted (1.10.2012, 1.6.2013) by [The Pharmacy \(1976 Order\) \(Amendment\) Order \(Northern Ireland\) 2012 \(S.R. 2012/308\)](#), arts. 1(1), [4](#) (with Sch. 3)

### Reports and statistical information

**4D.** The Council shall publish in such manner as it sees fit, at least once in each year, by such date as the Department shall determine—

- (a) a statistical report in respect of, and which includes a description of, the procedures which the Society has in place to protect members of the public from registered persons whose fitness to practise is impaired, together with the Council's observations on the report; and
- (b) a report, submitted to the Department, on the Society's exercise of its functions, and the Department shall lay before the Assembly a copy of the report submitted by the Council under this sub-paragraph.]

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**F3** Arts. 4A-4D inserted (1.10.2012, 1.6.2013) by [The Pharmacy \(1976 Order\) \(Amendment\) Order \(Northern Ireland\) 2012 \(S.R. 2012/308\)](#), arts. 1(1), 4 (with Sch. 3)

**[<sup>F7</sup>Regulations made by the Council: general]**

5.—(1) The Council may, subject to the provisions of this Order, make regulations with respect to all or any of the following matters—

- (a) the meetings and other proceedings of the Council and the Society (including meetings for the reading of papers and discussions of scientific subjects);
- (b) the examination (including the subjects of examination) or the qualifications of persons desirous of being registered as pharmaceutical chemists under this Order;
- [<sup>F8</sup>(bb) the conditions as to character, physical and mental health [<sup>F9</sup>, the necessary knowledge of English] and other matters to be satisfied by persons desirous of being registered as pharmaceutical chemists under this Order;]
- (c) the qualifications of persons desirous of being registered as students under this Order;
- (d) the conditions on which persons who are members of pharmaceutical societies outside Northern Ireland may be registered as pharmaceutical chemists under this Order, and the societies whose members may be so registered;
- (e) the fees (being of a reasonable amount) for examination and registration, [<sup>F10</sup> for retention of registration and for annotation of the register,] which are to be paid to the Society under this Order;
- (f) the conditions on which persons may be required to undergo a course of practical training for the purpose of qualifying for registration as pharmaceutical chemists;
- [<sup>F11</sup>(fff) the recording in the register of fitness to practise matters, including any warnings or advice given by, or undertakings agreed with, the Statutory Committee or the Scrutiny Committee;
- (ffg) the recording in the register of continuing professional development matters.]
- [<sup>F10</sup>(ff) annotation of the register of pharmaceutical chemists to indicate particular qualifications, specialist areas of practice and status;]
- (g) the making of special provision with respect to the examinations to be passed by ex-servicemen;
- (h) generally, any matters with respect to which the Council thinks that provision should be made for the purpose of carrying this Order into effect.

<sup>F12</sup>(1A) .....

[<sup>F13</sup>(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.]

<sup>F14</sup>(2) .....

(3) Before approving any regulations with respect to—

- (a) the matters mentioned in paragraph (1)( b), ( c) and ( g); or
- (b) the prescribing of any body for the purposes of Article 7(5) or (6); or
- (c) the provision of scholarships under Article 3(4)( f);

the Department shall consult the Department of Education.

<sup>F15</sup>(4) .....

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(5) For the purposes of paragraph (1)(g), the expression “ex-servicemen” includes—

(a) men who have served whole time in the armed forces of the Crown or in the Merchant Navy or the mercantile marine;<sup>F16</sup> . . .

*Sub-para. (b) rep. with saving by 1981 c. 55*

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| <b>F7</b>  | Art. 5 heading substituted (1.10.2012) by <a href="#">The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308)</a> , arts. 1(1), <b>5(1)</b> (with Sch. 3)   |
| <b>F8</b>  | 1994 NI 2   |
| <b>F9</b>  | Words in art. 5(1)(bb) inserted (1.6.2016) by <a href="#">The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806)</a> , arts. 1(3), <b>6(2)</b> ; S.I. 2015/1451, art. 6(a)  |
| <b>F10</b> | SR 2004/78  |
| <b>F11</b> | Art. 5(1)(fff)-(ffg) inserted (1.10.2012) by <a href="#">The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308)</a> , arts. 1(1), <b>5(2)(a)</b> (with Sch. 3)   |
| <b>F12</b> | Art. 5(1A) omitted (31.12.2020) by virtue of <a href="#">The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019 (S.I. 2019/585)</a> , reg. 1(2), <b>Sch. para. 5</b> (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F13</b> | Art. 5(1B) inserted (1.6.2016) by <a href="#">The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806)</a> , arts. 1(3), <b>6(3)</b> ; S.I. 2015/1451, art. 6(a)  |
| <b>F14</b> | Art. 5(2) omitted (1.10.2012) by virtue of <a href="#">The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308)</a> , arts. 1(1), <b>5(2)(b)</b> (with Sch. 3)   |
| <b>F15</b> | Art. 5(4) omitted (1.10.2012) by virtue of <a href="#">The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012/308)</a> , arts. 1(1), <b>5(2)(b)</b> (with Sch. 3)   |
| <b>F16</b> | 1981 c. 55  |

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**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):

- Sch. 3 para. 8(1A)(1B) inserted by [S.I. 2016/372 art. 15\(3\)](#)
- Sch. 3 para. 8(10A) inserted by [S.I. 2016/372 art. 15\(10\)](#)
- art. 5A inserted by [S.I. 2016/372 art. 13](#)