

SCHEDULES

SCHEDULE 4

Section 5

EMERGENCY REGISTRATION OF PHARMACEUTICAL CHEMISTS AND EXTENSION OF PRESCRIBING POWERS: NORTHERN IRELAND

Interpretation

- 1 (1) In this Schedule “the 1976 Order” means the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)).
- (2) In this Schedule references to Articles are to Articles of the 1976 Order.
- (3) Expressions used in this Schedule and in the 1976 Order have the meaning given in that Order.

Emergency registration of pharmaceutical chemists

- 2 The 1976 Order has effect as if it were subject to the following modifications.
- 3 After Article 8D insert—

“Temporary registration in the register of pharmaceutical chemists in certain emergencies

- 8E (1) The registrar may register a person, or the persons comprising a specified group of persons, in the register of pharmaceutical chemists if the conditions set out in paragraph (2) are satisfied.
- (2) The conditions are that—
- (a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and
 - (b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.
- (3) The emergency registration requirement is met—
- (a) in relation to a person, if the person is a fit, proper and suitably experienced person to be registered as a pharmaceutical chemist with regard to the emergency;
 - (b) in relation to a group of persons, if the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as pharmaceutical chemists with regard to the emergency.
- (4) The registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.

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- (5) A person's registration under this Article has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.
- (6) Where a person is registered under this Article as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.
- (7) The registration of a person under this Article ceases to have effect if revoked by the registrar; and the registrar—
- (a) must revoke the registration if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (2)(a) no longer exist;
 - (b) may at any time revoke the registration for any other reason, including where the registrar has grounds for suspecting that the person's fitness to practise may be impaired.
- (8) A person's registration as a member of a specified group may be revoked—
- (a) without revoking the registration of the other members of the group; or
 - (b) as a result of a decision to revoke the registration of all the members of the group.
- (9) Regulations made under Article 5 with respect to the following matters do not apply to persons registered under this Article—
- (a) paragraph (1)(b) (examinations and qualifications for registration);
 - (b) paragraph (1)(bb), in so far as it refers to the necessary knowledge of English;
 - (c) paragraph (1)(e) (fees);
 - (d) paragraph (1)(f), (ffg) and (g) (qualifications etc in relation to registration);
 - (e) such other matters as the Council may by regulations provide;
- but this is subject to paragraph (11).
- (10) The following provisions of this Order do not apply to persons registered under this Article—
- (a) Article 4A (continuing professional development);
 - (b) Articles 7, 8 and 8AA (provisions relating to registration);
 - (c) Article 11(1) (evidence of qualification required for registration);
 - (d) Article 15 (retention fees);
 - (e) Article 20 and Schedule 3 (fitness to practise) other than paragraphs 1 to 3; and
 - (f) such other provisions as the Council may by regulations provide;
- but this is subject to paragraph (11).
- (11) The Council may make regulations that provide that the following apply to persons registered under this Article—
- (a) regulations with respect to any of the matters referred to in paragraph (9)(a) to (e); and
 - (b) any of the provisions of this Order referred to in paragraph (10)(a) to (f).

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 4. (See end of Document for details)

(12) If a person breaches any condition to which the person's registration under this Article is subject, anything done by that person in breach of the condition is to be treated as not being done by a registered pharmaceutical chemist.

(13) The registrar may make available information to assist with the identification of persons registered under this Article in such manner as the registrar sees fit.

(14) In this Article—

“emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;

“specified” means specified in a direction given by the registrar or by a person authorised by the registrar.”

4 In Article 9(2) (maintenance of the register), at the end insert “ or in the case of the register mentioned in Article 6(1)(a) registered by virtue of Article 8E ”.

5 At the end of Article 9 (the registrar and registers) insert—

“(6) The registrar may record an annotation against the name of a registered person denoting that the person is registered under Article 8E.”

Emergency extension of prescribing powers for pharmaceutical chemists

6 After Article 9 insert—

“Temporary extension of prescribing powers in certain emergencies

9A (1) In the register mentioned in Article 6(1)(a), the registrar may record an annotation under paragraph (2) against—

- (a) the name of a registered person; or
- (b) the names of the persons comprising a specified group of registered persons,

if the conditions set out in paragraph (3) are satisfied.

(2) An annotation under this paragraph indicates that the person is qualified to order drugs, medicines and appliances in a specified capacity, notwithstanding that the person would not (but for this Article) be so qualified.

(3) The conditions are that—

- (a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and
- (b) the registrar considers that the emergency annotation requirement is met in relation to the person or group of persons.

(4) The emergency annotation requirement is met—

- (a) in relation to a registered person, if the person is a fit, proper and suitably experienced person to order drugs, medicines and appliances in a specified capacity with regard to the emergency; and
- (b) in relation to a group of registered persons, if the group is comprised of persons who may reasonably be considered fit, proper

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 4. (See end of Document for details)

and suitably experienced persons to order drugs, medicines and appliances in a specified capacity with regard to the emergency.

- (5) The registrar may record the annotation in such a way as to distinguish between annotations recorded by virtue of this Article and other annotations.
- (6) Annotations recorded by virtue of this Article—
- (a) must be removed by the registrar if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (3)(a) no longer exist;
 - (b) may at any time be removed by the registrar for any other reason including where the registrar has grounds for suspecting that the person's fitness to order drugs, medicines and appliances may be impaired.
- (7) An annotation recorded against the name of a person in the register as a member of a specified group may be removed—
- (a) without the removal by the registrar of the annotations recorded against the names in the register of the other members of the group; or
 - (b) by virtue of a decision by the registrar to remove the annotations recorded against the names in the register of all the members of the group.
- (8) Regulations made under Article 5 with respect to the following matters do not apply to persons with an annotated entry—
- (a) paragraph (1)(e) (fees);
 - (b) paragraph (1)(ff) (annotations of the register); and
 - (c) such other matters as the Council may by regulations provide;
- but this is subject to paragraph (10).
- (9) The following provisions of this Order do not apply to persons with an annotated entry—
- (a) Article 4A (continuing professional development);
 - (b) Article 8 (qualifications for registration); and
 - (c) such other provisions as the Council may by regulations provide;
- but this is subject to paragraph (10).
- (10) The Council may make regulations that provide that the following apply to persons with an annotated entry—
- (a) regulations with respect to any of the matters referred to in paragraph (8)(a) to (c); and
 - (b) any of the provisions of this Order referred to in paragraph (9)(a) to (c).
- (11) In this Article—
- “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;
 - “person with an annotated entry” means a person who has an annotation under paragraph (2) against their name in the register; and

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 4. (See end of Document for details)

“specified” means specified in a direction given by the registrar or by a person authorised by the registrar.”

Appeals

7 In Article 11, after paragraph (2) insert—

- “(3) No appeal lies to the Council against a decision of the registrar—
- (a) to register or refuse to register a person under Article 8E;
 - (b) to register or refuse to register under that Article the persons comprising a group of persons;
 - (c) to impose, vary or revoke a condition as respects the registration of a person, or the persons comprising a group of persons, under Article 8E(5);
 - (d) to revoke a person's registration under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to revoke the registration of any or all of the other members of the group);
 - (e) to record or refuse to record an annotation under Article 9A(2) against the name of a registered person, or the names of the persons comprising a group of registered persons;
 - (f) to remove an annotation under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to remove the annotation of any or all of the other members of the group).”

Power to require disclosure of information

8 Paragraph 2(1) of Schedule 3 to the 1976 Order (power of the Council to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the registrar in carrying out functions in respect of identifying any person registered by virtue of Article 8E(3)(b) (emergency registration of a group of persons).

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