Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 0000

EXITING THE EUROPEAN UNION
HEALTH CARE AND
ASSOCIATED PROFESSIONS
PROFESSIONAL QUALIFICATIONS

The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2018

Made - - - -	***
Laid before Parliament	***
Coming into force in accordance with regulation 1	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**1**).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2018.

(2) These Regulations come into force on exit day.

Pharmacists

2. The Schedule contains–

(a) amendments relating to pharmacists in Northern Ireland;

(b) transitional and savings provision relating to those amendments.

(**1**) 2018 c. 16.

Review of continued recognition of certain European qualifications

3.—(1) The Secretary of State must, after the end of the period of two years beginning with the day on which these Regulations come into force—

(a) carry out a review of the operation of the provision contained in Article 8(2)(c), (2B) and (2C) of the Pharmacy (Northern Ireland) Order 1976 (which concerns the recognition to be given to certain European qualifications after exit day) as substituted and inserted by these Regulations;

(b) set out the conclusions of the review in a report;

(c) publish the report.

(2) The report must be published within the period of six months beginning with the day after the end of the period referred to in paragraph (1).

Signed by the authority of the Secretary of State for Health and Social Care.

Name
Address
Minister of State,
Date
Department of Health and Social Care

SCHEDULE Regulation 2

Amendments relating to pharmacists in Northern Ireland

PART 1

Amendment of the 1976 Order

Interpretation

1.—(1) In this Schedule, the "1976 Order" means the Pharmacy (Northern Ireland) Order 1976(**2**).

(2) The Interpretation Act (Northern Ireland) 1954(**3**) applies to Part 3 of this Schedule as it applies to a Part of a Schedule to an Act of the Assembly.

Pharmacy (Northern Ireland) Order 1976

2. The 1976 Order is amended as follows.

3. In Article 2(2) (interpretation)(**4**)—

(a) omit the definitions of "competent authorities", "Directive 2002/58/EC", "the Directive", "European professional card", "exempt person", "General Systems Regulations"; "IMI", "IMI file", "national", "reference date", "relevant European State" and "third country";

(b) in the definition of "registered", omit "visiting pharmaceutical chemist from a relevant European State";

(c) in the definition of "registered person", omit ", visiting pharmaceutical chemist from a relevant European State".

4. In Article 4A (continuing professional development)(**5**), omit paragraphs (7)(c), (10)(b) and (14).

5. In Article 5 (regulations made by the Council: general)(**6**), omit paragraph (1A).

6. In Article 6 (the registers)(**7**)—

(a) in paragraph (1), omit ", and in relation to the register mentioned in sub-paragraph (d) there shall be kept,";

(b) after paragraph (1)(b), insert "and";

(c) omit paragraph (1)(d) and the "and" before it.

7. In Article 8 (qualifications for registration)(**8**)—

(a) for paragraph (2)(c), substitute—

"(c) every person who holds a relevant European qualification.";

(b) after paragraph (2A), insert—

(**2**) S.R. 1976/1213. (N.I. 22)
(**3**) 1954 c.33.
(**4**) Relevant amending instruments are S.R. 1987/457 and 2008/192 and S.I. 2016/1030.
(**5**) Article 4A was inserted by S.R. 2012/308.
(**6**) Paragraph (1A) was inserted by S.R. 2008/192.
(**7**) Paragraph (1) was substituted by S.R. 2008/192.
(**8**) Paragraph (2)(c) was substituted by S.R. 2008/192 and paragraph (2A) was inserted by S.I. 2015/806. Relevant amending instrument is S.I. 2016/1030.

"(2B) In paragraph (2)(c), "a relevant European qualification" means a qualification that falls within Article 8A (relevant European qualifications) and has not been designated by the registrar for the purposes of this paragraph.

(2C) The registrar—

(a) may designate a qualification for the purposes of paragraph (2B) only with the approval of the Department;

(b) must maintain and publish a list of the qualifications that are so designated.".

8. For Article 8A (registration by virtue of appropriate European diploma)(**9**), including the heading, substitute—

"**Relevant European qualifications**

8A.—(1) Subject to the following provisions of this Article, a qualification falls within this Article if it was awarded in a relevant European State and is listed in Annex V, point 5.6.2 of the Directive.

(2) A qualification falls within this Article only if it is accompanied, where applicable, by the certificate listed in relation to the qualification in the column entitled "Certificate accompanying the diploma" in Annex V, point 5.6.2 of the Directive.

(3) A qualification does not fall within this Article if it was awarded before the reference date, or is evidence of training begun before that date.

(4) In this Article—

(a) "the Directive" means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p22); and references in this Article to the Directive or to a provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before exit day;

(b) "reference date" means the date listed in relation to the State in which the qualification was awarded in the column entitled "Reference date" in Annex V, point 5.6.2 of the Directive;

(c) "relevant European State" means an EEA State or Switzerland.

Relevant European qualification: indication in the register

8ZA. Where a person is registered by virtue of Article 8(2)(c), an indication that the person has been registered in respect of a relevant European qualification shall be entered in the register against the person's name.".

9. In Article 8AA (supplementary provisions as to the necessary knowledge of English)(**10**), omit paragraphs (5) and (7).

10. Omit Article 8B (visiting pharmaceutical chemist from a relevant European State)(**11**).

11. Omit Article 8C (professional traineeships carried out in other relevant European States, etc.)(**12**).

12. Omit Article 8D (European professional card)(**13**).

(**9**) Article 8A was inserted by S.R. 1987/457.
(**10**) Article 8AA was inserted by S.I. 2015/806.
(**11**) Article 8B was inserted by S.R. 2008/192.
(**12**) Article 8C was inserted by S.R. 2016/130.
(**13**) Article 8D was inserted by S.R. 2016/130.

13. In Article 9(2) (the registrar)(**14**), for "and, (c) and (d)" substitute "and (c)".

14. In Article 11 (evidence of qualification to be registered)(**15**)—

(a) after paragraph (1) insert—

"(1ZA) Article 8A does not restrict what may otherwise be done by the registrar under paragraph (1) in order to be satisfied as referred to in that paragraph.";

(b) omit paragraph (1A).

15. Omit Article 11ZZA (appeals: decisions in relation to alerts and European professional cards)(**16**).

16. Omit Article 11ZZB (appeals to the Council under Article 11ZZA)(**17**).

17. Omit Article 11ZA (recognition of qualification of exempt persons)(**18**).

18. In Article 11A (indemnity arrangements)(**19**), omit paragraph (12).

19. In Article 14(2A) (issue of certificates of registration and penalties for failure to surrender, or abuse of, certificates)(**20**), for "8A(1)" substitute "8ZA".

20. Omit Article 22A (the Directive: functions of competent authority, etc.)(**21**).

21. Omit Schedule 2A (table in respect of training in the former Czechoslovakia, the former Soviet Union or the former Yugoslavia)(**22**).

22. Omit Schedule 2B (visiting pharmaceutical chemist from a relevant European State)(**23**).

23. Omit Schedule 2C (Directive 2005/36/EC: European professional card)(**24**).

24. Omit Schedule 2D (the Directive: functions of the Society under Article 22A)(**25**).

PART 2

Amendment of other legislation

Amendments

25. In Article 63AA(3)(c) (persons providing pharmaceutical services) of Health and Personal Social Services (Northern Ireland) Order 1972(**26**), for "(qualification by European diploma)" substitute "(relevant European qualification)".

26. In regulation 6(12) (pharmaceutical list) of the Pharmaceutical Services Regulations (Northern Ireland) 1997(**27**), for "(qualification by European diploma)" substitute "(relevant European qualification)".

(**14**) Relevant amending instrument is S.R. 2008/192.
(**15**) Paragraph (1A) was inserted by S.R. 2008/192.
(**16**) Article 11ZZA was inserted by S.I. 2016/1030.
(**17**) Article 11ZZB was inserted by S.I. 2016/1030.
(**18**) Article 11ZA was inserted by S.I. 2015/806.
(**19**) Article 11A was inserted by S.R. 2013/258.
(**20**) Paragraph (2A) was inserted by S.R. 1987/457. Relevant amending instrument is S.R. 2008/192.
(**21**) Article 22A was inserted by S.I. 2016/1030.
(**22**) Schedule 2A was substituted by S.R. 2008/192.
(**23**) Schedule 2B was substituted by S.R. 2008/192.
(**24**) Schedule 2C was inserted by S.I. 2016/1030.
(**25**) Schedule 2D was inserted by S.I. 2016/1030.
(**26**) S.I. 1972/1265 (N.I. 14). Article 63AA was inserted by 2008 (N.I. 2).
(**27**) S.R. 1997/381. Relevant amending instrument is S.R. 2001/222.