STATUTORY RULES OF NORTHERN IRELAND

2013 No. 258

PHARMACY

The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013

Laid before the Assembly in draft

Made - - - -	*6th November 2013*
Coming into operation	*7th November 2013*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred by section 56 of, and Schedule 4 to, the Health and Personal Social Services Act (Northern Ireland) 2001(**2**), makes the following Order.

In accordance with paragraph 9(2) of Schedule 4 to that Act the Department of Health, Social Services and Public Safety has published a draft of this Order and invited representations to be made to it about the draft by—

(a) persons appearing to the Department appropriate to represent the profession;

(b) persons appearing to the Department appropriate to represent those provided with services by the profession; and

(c) any other persons appearing to the Department appropriate to consult about the draft.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013 and shall come into operation on 7th November 2013.

(2) In this Order—

"the Department" means the Department of Health, Social Services and Public Safety; and

"the principal Order" means the Pharmacy (Northern Ireland) Order 1976(**3**).

(**1**) S.I. 1999/283 (N.I. 1) Article 3(6)
(**2**) 2001 c.3 (N.I.)
(**3**) S.I. 1976/1213 (N.I. 22) as amended by 1981 c.45 & c.55; 1983 c.54; S.I. 1984/703 (N.I. 3); S.R. 1987 No. 457; S.I. 1994/429 (N.I. 2); S.R. 1996 No. 393; 2004 c.33; S.R. 2004 No. 78; S.R. 2008 No. 192 and S.R. 2012 No. 308

Amendments to the principal Order

2. After Article 11 of the principal Order (*Evidence of qualification to be registered*) insert the following Article—

"**Indemnity arrangements**

11A.—(1) A registered person who practises as a pharmaceutical chemist must have in operation an indemnity arrangement which provides appropriate cover in relation to that registered person in respect of liabilities which may be incurred in practising as a pharmaceutical chemist.

(2) For the purposes of this Article, an "indemnity arrangement" may comprise—

(a) a policy of insurance;

(b) an arrangement made for the purposes of indemnifying a person; or

(c) a combination of the two.

(3) For the purposes of this Article, "appropriate cover", in relation to practice as a pharmaceutical chemist, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) The Council may make such provision in regulations in connection with the information to be provided to the registrar—

(a) by or in respect of any person seeking to be registered (including on an application for restoration) for the purposes of determining whether if that person is so registered, there will be in operation in relation to that person by the time that person begins to practise an indemnity arrangement which provides appropriate cover; and

(b) by or in respect of a registered person who practises as a pharmaceutical chemist for the purposes of determining whether, at any time, there is in operation an indemnity arrangement which provides appropriate cover in relation to that registered person.

(5) Regulations under paragraph (4)(b) may require information to be provided—

(a) at the request of the registrar; or

(b) on such dates or at such intervals as the registrar may determine, either generally or in relation to a registered person or registered persons of a particular description.

(6) The Council may also make regulations requiring a registered person who practises as a pharmaceutical chemist to inform the registrar if there ceases to be in operation in relation to that registered person an indemnity arrangement which provides appropriate cover.

(7) The Council may also make regulations requiring a registered person who practises as a pharmaceutical chemist to inform the registrar if there is in operation in relation to that registered person appropriate cover provided under an indemnity arrangement by an employer.

(8) Where there is a failure to comply with the regulations under paragraph (4) by or in respect of a registered person who practises as a pharmaceutical chemist or a person who is seeking to be registered, the registrar may refuse to enter or retain the person's name in, or to restore their name to, the register.

(9) If a registered person who practises as a pharmaceutical chemist is in breach of paragraph (1), or fails to comply with regulations under paragraph (4)(b), (6) or (7), or there