STATUTORY RULES OF NORTHERN IRELAND

2012 No. 312

PHARMACY

The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012

Made - - - -	*8th August 2012*
Coming into operation	*1st June 2013*

The Council of the Pharmaceutical Society of Northern Ireland makes the following Regulations in exercise of the powers conferred on it by Articles 4A(9) and (10), 5(1)(ff), (fff) and (ffg) of, and paragraphs 5(1) and (2)(b), and 15(1)(b), (2) and (3) of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976 [F1]. The Department of Health, Social Services and Public Safety [F2] has approved these Regulations in accordance with Article 25A (2) of that Order [F3].

F1 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

F2 See S.I. 1999/283 (NI 1) Article 3 (6)

F3 Article 25A is inserted by Article 9 of S.R. 2012 No.308

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012 and shall come into operation on 1stJune 2013.

(2) In these Regulations—

"CPD"—

(a) means the continuing professional development which registered persons are required to undertake in order to have their name retained in the register and to maintain competence; and

(b) includes—

(i) any continuing professional development that relates to an annotation in respect of a specialist area of practice recorded against a registered person's name in the register,

(ii) any continuing professional development that a registered person is required to undertake by virtue of these regulations;

"CPD framework" means the framework relating to the CPD of registered persons which is adopted by the Council under Article 4A(6)(a) of the Order;

"CPD record", in relation to a registered person, means a written record in hard copy form or electronic form which is completed by the registered person and in which details are entered by the registered person about the CPD that the registered person has undertaken since—

(c) the date of completion of the immediately preceding review by the registrar of the registered person's CPD; or

(d) if no review has taken place since the date on which the registered person's name was entered in, or restored to, the register, the date of that entry;

[[F4]"the chair" means the chair of the Statutory Committee;**]**

"Fitness to Practise Regulations" means the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012 [F5];

"Notice of Appeal" means a notice of appeal against an appealable decision;

"the Order" means the Pharmacy (Northern Ireland) Order 1976;

"remedial measure" means any requirement specified in regulation 4(1)(a) to (h);

"supplementary notice" means a notice under regulation 6(5)(b)(including a notice under that provision as it applies by virtue of regulation 6(6)).

F4 Words in reg. 1 inserted (31.5.2013) by The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/147), regs. 1(1), **2**

F5 S.R. 2012 No.311

Failure to comply with the CPD framework

2.—(1) Each of paragraphs (2) to (10) sets out circumstances in which a registered person is to be regarded as having failed to comply with the requirements or conditions of the CPD framework.

(2) The registrar is of the opinion that the registered person has failed without reasonable excuse to make an annual declaration regarding the registered person's compliance with the requirements or conditions of the CPD framework.

(3) The registrar is of the opinion that the registered person has failed without reasonable excuse—

(a) to comply with a request by the registrar to submit a CPD record to the registrar for review;

(b) to submit a CPD record to the registrar by the date specified by the registrar in accordance with the CPD framework; or

(c) to submit a CPD record to the registrar which is in the form and manner specified in the CPD framework.

(4) The registrar is of the opinion that the registered person has failed without reasonable excuse to record adequately in respect of any relevant period—

(a) the dates on which the registered person's CPD has been undertaken; or

(b) any other information about the registered person's CPD which is required by the CPD framework.

(5) The registrar is of the opinion that the registered person has made an insufficient number of entries in respect of any relevant period in the registered person's CPD record.

(6) The registrar is of the opinion that the entries in respect of any relevant period in the registered person's CPD record do not demonstrate that the CPD undertaken is relevant to—

(a) the safe and effective practice of pharmacy; or

(b) a learning need for the registered person that is relevant to the current scope of the practice of pharmacy including any specialist area of practice of the registered person and the environment in which the registered person practises.

(7) The registrar is of the opinion that the entries in respect of any relevant period in the registered person's CPD record do not—

(a) include any CPD that relates to a specialist area of practice of the registered person or the environment in which the registered person practises; or

(b) reflect any conditions as to the practice of pharmacy by the registered person which were in operation for the whole or part of the relevant period and were imposed—

(i) by virtue of a direction given by the Statutory Committee under paragraph 7(2)(e) or (3)(a)(v) or (b)(i) or (ii) of Schedule 3 to the Order; [F6]...

[F6](ii) . . . . . .

(8) The registrar is of the opinion that the entries in the registered person's CPD record do not reflect any requirement which—

(a) by virtue of regulation 10 was imposed on the registered person by the registrar to undertake by the date specified by the registrar any additional CPD after the restoration of the registered person's name to the register; or

(b) by virtue of regulation 10 was imposed on the registered person by the registrar to undertake by the date specified by the registrar any additional CPD after the restoration to the register of an annotation in respect of a specialist area of practice recorded against the registered person's name in the register.

(9) The registrar is of the opinion that the entries in the registered person's CPD record do not reflect any requirement imposed on the registered person by the registrar to take by the date specified by the registrar any remedial measure that was specified in a notice given to the registered person under regulation 6(2).

(10) The registrar is of the opinion that, for any other reason—

(a) the amount or type of CPD undertaken by the registered person is inadequate; or

(b) the registered person's CPD record is inadequate or is not in a fit and proper state to be reviewed.

(11) For the purposes of paragraphs (4) to (7), references to "relevant period" are to any of the following that fall within the period covered by the CPD record of the registered person which is subject to review by the registrar—

(a) the period that commences with, and includes, the date on which the registered person's name was entered in, or restored to, the register, and ends on 31 May following that date;

(b) each subsequent 1 year period that commences with, and includes, 1 June – 31 May; and

(c) any part of the period referred to in sub-paragraph (a) or (b).

(12) In the application of paragraphs (4) to (7) to a period falling within paragraph (11)(c), any number or other quantity which, in accordance with the CPD framework, applies to a 1 year period is to be proportionately reduced.

F6 Reg. 2(7)(b)(ii) and word 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. 27(2)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Steps which the registrar may take

3.—(1) Paragraph (2) applies where the registrar is satisfied that a registered person—

(a) has failed to comply with the requirements or conditions of the CPD framework (including any failure to comply with requirements imposed in accordance with the provisions referred to in regulations 2(8) or (9)); or

(b) has made a false declaration about compliance with the requirements or conditions of the CPD framework.

(2) Subject to paragraphs (3) to (5) the registrar may decide to—

(a) impose on the registered person a requirement to take one or more remedial measures in connection with the registered person's CPD; or

(b) remove the registered person's name from the register; or

(c) remove an annotation in respect of a specialist area of practice recorded against the registered person's name in the register.

F7(3) . . . . . .

(4) The registrar must follow the procedure set out in regulation 4(2) when imposing a requirement to take a remedial measure.

(5) If the registrar proposes to remove the name of a registered person or the annotation recorded against the registered person's name, the registrar must follow the procedure set out in regulations 5 to 8 (but this is without prejudice to regulations 7(5)(b) and (6).

(6) The fact that a registered person's failure to comply with the requirements or conditions of the CPD framework arises by virtue of regulation 2(9) does not prevent the registrar from deciding to impose on the registered person a new requirement to take one or more remedial measures.

F7 Reg. 3(3) 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. 27(3)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, reg. 20(7)); 2020 c. 1, Sch. 5 para. 1(1)

Remedial measures

4.—(1) The remedial measures that the registrar may impose under regulation 3(2)(a) on a registered person in connection with the registered person's CPD are—

(a) a requirement for the registered person to make entries in the registered person's CPD record in the form and manner specified in the CPD framework;

(b) a requirement for the registered person to make entries in the registered person's CPD record that accurately reflect the CPD activities already undertaken by the registered person;

(c) a requirement for the registered person to undertake additional CPD activities;

(d) a requirement for the registered person to undertake CPD activities which relate to the safe and effective practice of pharmacy;

(e) a requirement for the registered person to undertake additional CPD activities which relate to a learning need for the individual registered person that is relevant to—

(i) the current scope of the practice of pharmacy,

(ii) any specialist area of practice of the registered person,

(iii) the environment in which the registered person practises,

(iv) the management or recording of a registered person's CPD;

(f) a requirement for the registered person to undertake CPD activities which relate to any condition as to the practice of pharmacy by the registered person which was imposed—

(i) by virtue of a direction given by the Statutory Committee under paragraph 7(2)(e) or (3)(a)(v) or (b)(i) or (ii) of Schedule 3 to the Order, [F8]...

[F8](ii) . . . . . .

(g) a requirement for the registered person to undertake CPD activities which relate to any requirement as to CPD which—

(i) by virtue of regulation 10 was imposed on the registered person on the restoration of the registered person's name to the register,

(ii) by virtue of regulation 10 was imposed on the registered person on the restoration of an annotation in respect of a specialist area of practice recorded against the registered person's name in the register;

(h) a requirement for the registered person to undertake CPD activities which relate to any requirement as to CPD which was previously imposed on the registered person by a remedial measure specified under paragraph (2).

(2) If the registrar decides to impose on the registered person a requirement to take one or more remedial measures, the registrar must notify the registered person of—

(a) the measures to be taken;

(b) the reasons for imposing the requirement; and

(c) the date (if any) by which the registered person must comply with each measure.

F8 Reg. 4(1)(f)(ii) and word 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. 27(4)** (with Sch. Pt. 3) (as amended by S.I. 2020/1394, **reg. 20(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Notice of Intention to Remove: stage 1

5.—(1) Where the registrar proposes to remove the name of the registered person or the annotation recorded against the name of a registered person ("R") from the register under regulation 3(2)(b) or (c), the registrar—

(a) must consider whether the matter calls into question R's fitness to practise; and

(b) if no such question arises, may serve on R a Notice of Intention to Remove which notifies R in writing that the registrar is considering whether to remove R's name or the annotation recorded against R's name (as the case may be) from the register.

(2) If it appears to the registrar on reasonable grounds that R's fitness to practise is called into question, the registrar must determine whether to refer the matter—

(a) to the Scrutiny Committee in accordance with paragraph 5(1) of Schedule 3 to the Order; or