STATUTORY RULES OF NORTHERN IRELAND

2008 No. 193

PHARMACY

Registration of Pharmaceutical Chemists (Exempt Persons) Regulations (Northern Ireland) 2008

Made - - - -	*30th April 2008*
Coming into operation	*23rd May 2008*

The Council of the Pharmaceutical Society of Northern Ireland makes the following regulations in exercise of the powers conferred upon it by Article 5(1) of the Pharmacy (Northern Ireland) Order 1976(**1**). The Department of Health, Social Services and Public Safety(**2**) has approved these regulations in accordance with Article 5(2) of that Order.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Registration of Pharmaceutical Chemists (Exempt Persons) Regulations (Northern Ireland) 2008.

(2) These regulations shall come into operation on 23rd May 2008.

(3) In these regulations—

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

Manner and content of applications by exempt persons for registration in the register of pharmaceutical chemists

2.—(1) Paragraphs (2) to (6) apply in relation to an exempt person ("E")—

(a) to whom Article 8(2)(c)(i) or (ii) of the Order applies; and

(b) who is applying to be registered in the register of pharmaceutical chemists under the Order.

(2) Proof that E is a national of a relevant European State must be provided by E to the registrar or (where E is not a national of a relevant European State) proof of the Community right by virtue of which E is an exempt person.

(3) Where a certificate is required of persons who wish to practise as a pharmacist in E's attesting State for the purpose of determining whether E's fitness to practise is impaired, the registrar shall accept as sufficient evidence of E's good health a certificate which—

(**1**) S.I.1976/1213 (N.i.22),as amended by S.R. 1987 No.457
(**2**) S.I. 1999/283 (N.I. 1) – Article 3 (6)

(a) attests to E's good physical and mental health; and

(b) is required of a person who wishes to practise as a pharmacist in E's attesting State.

(4) If no such certificate is required of persons who wish to practise as a pharmacist in E's attesting State, the registrar shall accept as sufficient evidence of E's good health a certificate which—

(a) attests to E's good physical and mental health; and

(b) is issued by a competent authority in E's attesting State.

(5) The registrar shall accept as sufficient evidence of E's good character a certificate which—

(a) attests to E's good character or good repute; and

(b) is issued by a competent authority in E's attesting State.

(6) If no such certificate is issued by a competent authority in E's attesting State, the registrar shall accept as sufficient evidence of E's good character a certificate—

(a) attesting to the authenticity of a declaration on oath made by E—

(i) before a competent judicial or administrative authority, notary or qualified professional body of E's attesting State, and

(ii) attesting to E's good character; and

(b) issued by the authority, notary or body referred to in sub-paragraph (a)(i).

In this paragraph, "declaration on oath" includes a solemn declaration.

(7) In paragraphs (3) to (6) the "attesting State", in relation to E, is—

(a) the relevant European State in which E obtained his qualification in pharmacy; or

(b) (if different) the relevant European State from which E comes to Northern Ireland.

(8) The registrar shall not accept any certificate referred to in paragraph (3), (4), (5) or (6) if it is presented more than three months after the date on which it was issued.

(9) The registrar, within the period of one month beginning with and including the date of receipt of the application, must—

(a) acknowledge receipt of the application; and

(b) inform E of any missing document required for the purposes of the application.

(10) The registrar must, within the specified period, notify E—

(a) of the result of the application; and

(b) if the registrar refuses the application, of any right of appeal E has to the Council under Article 11(2) of the Order.

(11) In paragraph (10) "the specified period"—

(a) except in a case specified in sub-paragraph (b), means the period of three months beginning with and including the relevant date;

(b) if E's application is made on the grounds that he is entitled to be registered as a pharmaceutical chemist by virtue of Article 8(2)(c)(ii) of the Order means the period of four months beginning with and including the relevant date.

(12) The "relevant date", in relation to an application, is—

(a) the date when the registrar receives the application; or

(b) if any document required for the purposes of the application, or the proper fee, is missing when the registrar receives the application, the date on which the registrar first has all the documents required for those purposes together with the proper fee.