STATUTORY RULES OF NORTHERN IRELAND

1997 No. 381

HEALTH AND PERSONAL SOCIAL SERVICES

Pharmaceutical Services Regulations (Northern Ireland) 1997

Made . . . . . *15th August 1997*

Coming into operation . . *6th October 1997*

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The Department of Health and Social Services, in exercise of the powers set out in Schedule 1 and of all other powers enabling it in that behalf, and

in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department of Health and Social Services to be representative of the pharmaceutical profession as required by Article 63(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**), hereby makes the following Regulations:

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Pharmaceutical Services Regulations (Northern Ireland) 1997 and shall come into operation on 6th October 1997.

Interpretation

2.—(1) In these Regulations—

"appliance" means an appliance which is included in a list for the time being approved by the Department for the purposes of Article 63 of the Order(**b**);

"appropriate non-proprietary name" means a non-proprietary name which is not mentioned in Schedule 10 to the Medical Regulations or, except where the conditions in paragraph 49(2) of the doctors' terms of service are satisfied, in Schedule 11 to those Regulations;

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"chemist" means—

(*a*) a pharmacist;

(*b*) a person lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968(**c**); or

(*c*) a supplier of appliances;

who is included in the pharmaceutical list under Article 63 of the Order;

"child" means a person who has not attained the age of 16 years;

"dentist" means a dental practitioner;

"Disciplinary Procedures Regulations" means the Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996(**d**);

"doctor" means a medical practitioner;

(**a**) S.I. 1972 (N.I. 14)
(**b**) Article 63 is amended by Article 14 of S.I. 1978/1907 (N.I. 26); Article 5(1) of S.I. 1986/2023 (N.I. 20); regulation 4 of S.R. 1987 No. 457; Article 31 of S.I. 1991/194 (N.I. 1) and Article 3 of S.I. 1992/2671 (N.I. 18)
(**c**) 1968 c. 67
(**d**) S.R. 1996 No. 137

"doctors' terms of service" means the terms of service contained in Schedule 2 to the Medical Regulations;

"drugs" includes medicines and chemical reagents;

"Drug Tariff" has the meaning given to it in regulation 9;

"joint discipline committee" has the same meaning as in the Disciplinary Procedures Regulations;

"listed drugs" means the drugs included in a list for the time being approved by the Department for the purposes of Article 63 of the Order;

"Local Dental Committee", "Local Medical Committee" and "Local Pharmaceutical Committee" mean the respective committees of those names which are recognised by a Board in relation to its area under Article 55 of the Order(**a**);

"maternity medical services" has the meaning assigned to it by regulation 34 of and Schedule 5 to the Medical Regulations;

"medical list" has the meaning assigned to it by regulation 4 of the Medical Regulations;

"Medical Regulations" means the General Medical Services Regulations (Northern Ireland) 1997(**b**);

"non-proprietary name", in relation to a drug, means—

(*a*) where the drug is described in a monograph in the current edition (as defined in section 103(5) of the Medicines Act 1968(**c**)), as in force at the time of the supply of the drug, of the European Pharmacopoeia, the British Pharmacopoeia, the British Pharmaceutical Codex, the British National Formulary, the International Pharmacopoeia, the Cumulative List of Recommended International Non-proprietary Names or the Dental Practitioners' Formulary, any name, or abbreviation of such name, at the head of that monograph or, where such name consists of two or more words, any name derived from a suitable inversion of such words which is permitted by that publication; or

(*b*) where the drug is not so described but has an approved name, being the name which appears in the current edition (as defined in section 103(5) of the Medicines Act 1968) of the list of names prepared and published under section 100 of that Act, as in force at the time of the supply of the drug, such approved name;

"nurse prescriber" means a nurse or health visitor of a description specified in paragraph (2);

"obstetric list" has the meaning assigned to it by regulation 30 of the Medical Regulations;

(**a**) Article 55 is amended by Article 5 of S.I. 1991/194 (N.I. 1)
(**b**) S.R. 1997 No. 380
(**c**) 1968 c. 67; section 103(5) is amended by section 22(6) of the Health and Medicines Act 1988 (c. 49)

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"patient" has the same meaning as in paragraph 3 of Schedule 2 to the Medical Regulations;

"pharmaceutical discipline committee" has the same meaning as in the Disciplinary Procedures Regulations;

"pharmaceutical list" shall be construed in accordance with regulation 6;

"pharmacist" means a pharmacist, other than a supplier of appliances only, whose name is included in the pharmaceutical list under Article 63 of the Order or who is employed by a person (including a body corporate) whose name is so included;

"pharmacy" means any premises where drugs or appliances are provided by a pharmacist pursuant to arrangements made under Article 63 of the Order;

"prescription form" means a form provided by the Agency and issued by a doctor or dentist to enable a person to obtain pharmaceutical services under Article 63(1)(*a*) or (*b*) of the Order or a form provided by the Agency for the purposes of pharmaceutical services under Article 63(1)(*bb*) of the Order and issued by a nurse prescriber to enable a person to obtain such services;

"reagent" means a chemical reagent included in a list for the time being approved by the Department;

"relevant service" has the same meaning as in section 64(1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**a**) as extended to Northern Ireland by the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979(**b**) and includes services rendered under the Reserve Forces Act 1980(**c**);

"Scheduled drug" means a drug or other substance specified in Schedule 10 to the Medical Regulations or, except where the conditions in paragraph 49(2) of the doctors' terms of service are satisfied, Schedule 11 to those Regulations;

"suspended by direction of the Tribunal" means suspended as respects the provision of pharmaceutical services by a direction of the Tribunal made pursuant to paragraph 8A(2) or 8B(1) of Schedule 11 to the Order(**d**) or to equivalent provisions in force in England and Wales or Scotland corresponding to those provisions;

"terms of service" means the terms of service contained or referred to—

(*a*) in relation to chemists, in Parts I and II of Schedule 2;

(*b*) in relation to doctors who provide pharmaceutical services, in Parts I and III of Schedule 2; and

"working day" means any week-day other than a public holiday.

(**a**) 14 & 15 Geo. 6 c. 65
(**b**) S.I. 1979/291
(**c**) 1980 c. 9
(**d**) Paragraphs 8A and 8B were inserted by Article 4 of S.I. 1995/2704 (N.I. 24)