1987 No. 457

PHARMACY

The Pharmaceutical Qualifications (EEC Recognition) Regulations (Northern Ireland) 1987

Made . . . . . 21st December 1987
Coming into operation . . 29th January 1988

The Department of Health and Social Services, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures in respect of the conditions of, and the recognition of qualifications for, access to and pursuit of activities in the field of pharmacy, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Pharmaceutical Qualifications (EEC Recognition) Regulations (Northern Ireland) 1987 and shall come into operation on 29th January 1988.

(2) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Pharmacy (Northern Ireland) Order 1976

2.—(1) The Pharmacy (Northern Ireland) Order 1976(**d**) shall be amended as follows.

(2) In Article 2(2) (interpretation) after the definition of ''member'' there shall be inserted the following definition—

'' ''national'', in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession(**e**) is not to benefit from Community provisions relating to the free movement of persons and services;''.

(3) In Article 8(2) (qualifications for registration as pharmaceutical chemist), after sub-paragraph (*b*) there shall be added the following sub-paragraph—

''(*c*) every person who, being a national of a member State, holds an appropriate European diploma.''.

(**a**) S.I. 1987 No. 448
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)
(**d**) S.I. 1976/1213 (N.I. 22)
(**e**) *See* Cmnd. 5179-I p. 247

(4) In Article 8(4) (registration of members of pharmaceutical societies outside Northern Ireland), after the words ''(other than a person such as is described in paragraph 2(*a*)'' there shall be inserted ''or (*c*)''.

(5) After Article 8 there shall be inserted the following Article—

''Registration by virtue of appropriate European diploma

8A.—(1) Where a person is registered by virtue of Article 8(2)(*c*) an indication that he has been registered in respect of an appropriate European diploma shall be entered in the register against his name.

(2) Subject to paragraphs (3) to (5), the following diplomas are appropriate European diplomas for the purposes of Article 8(2)(*c*), namely—

(*a*) any diploma specified in Schedule 2A; and

(*b*) any diploma in pharmacy which is not so specified but has been granted in a member State either before the implementation date or to a person who commenced the training of which the diploma is evidence before that date.

(3) A diploma granted in a member State before the implementation date or granted to a person who began the training of which the diploma is evidence before that date is not an appropriate European diploma for the purposes of Article 8(2)(*c*) unless—

(*a*) in the case of a diploma specified in Schedule 2A, either—

(i) the diploma guarantees that the holder of the diploma has undergone training that would have satisfied the requirements laid down by the Pharmacists Training Directive; or

(ii) the competent authorities of any member State have certified that the holder of the diploma has lawfully practised pharmacy for at least three consecutive years during the five years preceding the date of the certificate; or

(*b*) in the case of any diploma which is not so specified, the competent authorities of any member State have certified as mentioned in sub-paragraph (*a*)(ii).

(4) Where under Article 11 it falls to the registrar or the Council to determine whether or not any of the conditions specified in paragraph (3) is satisfied in relation to any diploma—

(*a*) the satisfaction of the condition specified in sub-paragraph (*a*)(i) of the said paragraph (3) may be established by the production of a certificate of the competent authorities of the member State in relation to which the diploma is specified in Schedule 2A, or otherwise; and

(*b*) the satisfaction of the condition specified in sub-paragraph (*a*)(ii) or (*b*) of the said paragraph (3) shall be established by the production of the relevant certificate, and not otherwise.

(5) Where at any time during the period of the Greek derogation any person is registered in respect of the qualification specified in paragraph 5 of Schedule 2A or in respect of any other diploma awarded in the Hellenic Republic—

(*a*) an indication that the registration is subject to the provisions of this paragraph shall be entered in the register against that person's name; and

(*b*) the registration shall not authorise the person whose name is registered to do anything for which registration is required by any provision made by or under the Medicines Act 1968(**a**), the Misuse of Drugs Act 1971(**b**) or the Poisons (Northern Ireland) Order 1976(**c**), except as an employed person.

(6) In this Article and Schedule 2A—

"competent authorities", in relation to a member State, means any authority or body designated by that member State in accordance with Community Council Directive No. 85/433/EEC(**d**), as amended by Community Council Directive No. 85/584/EEC(**e**), concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy;

"employed person" means an employed person in accordance with Council Regulation (EEC) No. 1612/68(**f**) on freedom of movement for workers within the Community;

"the implementation date", in relation to a member State, means the date on which that State implemented the Pharmacists Training Directive;

"the period of the Greek derogation" means the period during which the Hellenic Republic makes use of the derogation provided by paragraph 1 of Article 3 of Community Council Directive No. 85/433/EEC; and

"the Pharmacists Training Directive" means Community Council Directive No. 85/432/EEC(**g**) concerning the co-ordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy.

(7) For the purposes of this Article a member State is to be regarded as having implemented the Pharmacists Training Directive on the date notified to the Commisssion of the European Communities as that on which it did so.".

(6) In Article 14 (certificates of registration), after paragraph (2) there shall be inserted the following paragraph—

"(2A) Any certificate of registration issued to any person under this Article shall reproduce any indication entered in the register against that person's name in pursuance of Article 8A(1) or (5)(*a*).".

(7) In Article 20 (removal of registered persons from, and restoration to, register), after paragraph (6) there shall be inserted the following paragraphs—

(**a**) 1968 c. 67
(**b**) 1971 c. 38
(**c**) S.I. 1976/1214 (N.I. 23)
(**d**) O.J. No. L253, 24.9.85, p. 37
(**e**) O.J. No. L372, 31.12.85, p. 42
(**f**) O.J. No. L257, 19.10.68, p. 2 (O.J./S.E. 1968 (II) p. 475)
(**g**) O.J. No. L253, 24.9.85, p. 34