EXPLANATORY MEMORANDUM TO

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

SR 2012 No. 312

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 4A(9) and (10), 5(1)(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 and is subject to the negative resolution procedure.

2. Purpose

2.1. The proposed Statutory Rule sets out matters relating to non-compliance by registered persons with the requirements or conditions of the continuing professional development framework adopted by the Council of the Pharmaceutical Society of Northern Ireland. The framework relates to standards of proficiency for the safe and effective practice of pharmacy that are set by the Council.

3. Background

3.1. Legislation setting out new constitutional arrangements for the Council of the Pharmaceutical Society of Northern Ireland (the Society) was formally approved by the Northern Ireland Assembly on 31 January 2012. That legislation – The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 - makes provision for the Council of the Society to make regulations in relation to these matters.

4. Consultation

4.1. The Department held a consultation on the content of the draft regulations from 6 February 2012 – 2 April 2012. The consultation list comprised political representatives together with those who the Department considered would have an interest in the subject matter. This included all pharmaceutical chemists and pre-registration pharmacists on the Pharmaceutical Society of Northern Ireland's register. In total around 2,600 consultation letters were issued.

4.2. The consultation received 13 responses (0.5% response rate), of which four offered no comments. Generally respondents were supportive of the proposals relating to Continuing Professional Development (CPD).

4.3. A number of comments were made in relation to the practicalities of CPD and the circumstances in which a registered person is to be regarded as having failed to comply with the requirements or conditions of the CPD framework. The Department understands that the Society will be

consulting on the CPD framework and standards and will produce guidance on the new CPD process before the regulation come into operation.

4.4. The full Consultation Report has been placed on the Department's website.

5. Equality Impact

5.1. The Department has considered the potential impact on section 75 groups and has concluded that there is unlikely to be an adverse impact.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment is not considered necessary as it is anticipated that there will be no adverse impact on business, charities, social enterprise or voluntary bodies.

7. Financial Implications

7.1. There will be minimal additional costs for the Department of Health, Social Services and Public Safety arising from this draft statutory rule.

8. Section 24 of the Northern Ireland Act 1998

8.1. These Regulations do not breach section 24 of the Northern Ireland Act 1998, as they are not incompatible with any of the Convention rights or community law, and they do not discriminate against a person on the grounds or religious belief or political opinion. Nor do these Regulations modify or amend any of the enactments stated in section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. In GB the General Pharmaceutical Council (GPhC) is the regulator of pharmacists and these proposed regulations closely correspond to those applied by the GPhC.

11. Additional Information

11.1. Not applicable.