EXPLANATORY MEMORANDUM TO

The Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2022

SR 2022 No. 285

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Pharmaceutical Society of Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by Articles 5(1) and 11A(4) to (7) of, and paragraphs 15(1)(b), (2) and (3) of Schedule 3 to, the Pharmacy (Northern Ireland) Order 1976 ("the 1976 Order"). It has been approved by the Department of Health for Northern Ireland in accordance with Article 25A(2) of that Order and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations is to revoke and replace the Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014, correcting procedural and typographical errors. There has been no change of policy and the main purpose of the Regulations is to implement the statutory requirement arising from Article 11A of the 1976 Order (inserted by the Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013) that practising pharmacists must have in place insurance or indemnity cover (referred to as an indemnity arrangement in the Regulations).

2.2 The Regulations set out matters relating to the requirement for practising pharmacists to have in operation an indemnity arrangement which provides appropriate cover and in relation to information to be provided to the registrar regarding such arrangements. The Regulations also make provision for the taking effect of decisions to refuse to retain a person's name in or to remove a person's name from the register under Articles 11A(8) or 11A(9)(a) of the 1976 Order. Finally the Regulations set time limits for appeals from decisions taken under Articles 11A(8) or 11A(9)(a) and stipulate the procedures that apply to such appeals.

3. Background

3.1. The Pharmaceutical Society of Northern Ireland is the regulatory body for pharmacists in Northern Ireland with a primary purpose to ensure that practising pharmacists are fit to practise, keep their skills and knowledge up to date and deliver high quality safe care to patients.

3.2 The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013 which inserted Article 11A of the 1976 Order came into operation on 7 November 2013.

3.3 Article 11A made provision for the Society to make regulations relating to the requirement for practising pharmacists to have an appropriate indemnity arrangement in place. The Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 were made on 1 May 2014 and came into operation on 1 June 2014. These Regulations revoke and replace the

Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014, with no policy change in order to correct procedural and typographical errors.

3.4 The statutory requirement on pharmacists to have indemnity cover has been in place now for some time and, therefore, the implementation of the Regulations will have little or no impact on the vast majority of pharmacists in Northern Ireland.

4. Consultation

4.1. Before the Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 were made a targeted consultation exercise was carried out by the Pharmaceutical Society of Northern Ireland. As there is no change of policy, it was not considered necessary to carry out a further consultation exercise for the proposed Statutory Rule.

5. Equality Impact

5.1. The Department of Health concluded, before the Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 were made, that those Regulations would not have a significant impact on equality of opportunity for any group referred to in section 75 of the Northern Ireland Act 1998 and, therefore, a full Equality Impact Assessment was not considered necessary. As there is no change of policy, it remains the case that a full Equality Impact Assessment is not considered necessary for the proposed Statutory Rule.

6. Regulatory Impact

6.1. It was previously concluded that the Council of the Pharmaceutical Society of Northern Ireland (Indemnity Arrangements) Regulations (Northern Ireland) 2014 did not require a Regulatory Impact Assessment. As there is no change of policy, it remains the case that a Regulatory Impact Assessment is not required for the proposed Statutory Rule.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The proposed Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Regulation of pharmacists is undertaken by the Pharmaceutical Society of Northern Ireland locally in Northern Ireland, while other healthcare professionals are regulated on a UK wide basis. The Pharmaceutical Society of Northern Ireland and the Department of Health work with colleagues in other Departments and Regulators who have introduced similar legislation requiring regulated healthcare professionals to have appropriate indemnity arrangements in place. It is also a professional requirement generally to have indemnity cover.

11. Additional Information

11.1. Not applicable.