# STATUTORY INSTRUMENTS

# 2010 No. 231

# HEALTH CARE AND ASSOCIATED PROFESSIONS

# The Pharmacy Order 2010

*Made - - - 10th February 2010* 

Coming into force in accordance with article 1

# THE PHARMACY ORDER 2010

#### PART 1

# Preliminary

- Citation and commencement
- 2. Extent
- 3. Interpretation

### PART 2

#### The Council and its Committees

- 4. The Council and its Committees
- 5. Standards and requirements: consultation and review
- 6. The Council's general duties

### PART 3

# Registered Pharmacies: Standards in retail pharmacies

- 7. Standards: general
- 8. The Inspectorate
- 9. Inspection and enforcement
- 10. Power of entry
- 11. Powers of an inspector
- 12. Obstruction: offences
- 13. Improvement notices
- 14. Non-compliance with improvement notices
- 15. Offences committed by partnerships
- 16. Appeals against improvement notices
- 17. Powers of a court on appeal

#### PART 4

#### Registration

- 18. The Registrar
- 19. Establishment, maintenance of and access to the Register
- 20. Entitlement to entry in Part 1 or 2 of the Register: pharmacists and pharmacy technicians
- 21. Pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists
- 22. Pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacy technicians
- 23. Form, manner and content of applications for entry or for renewal of an entry in the Register: pharmacists and pharmacy technicians
- 24. Notification by the Registrar: entry and renewal
- 25. Duration of entry
- 26. Notice of entry in the Register
- 27. Specialisations: registrants and registered pharmacies
- 28. Registrants' duties with regard to their entries
- 29. Corrections to the Register
- 30. Fitness to practise matters before entry or renewal of an entry
- 31. Voluntary removal from the Register
- 32. Indemnity arrangements
- 33. Visiting pharmacists and pharmacy technicians from relevant European States
- 34. Temporary entry with regard to emergencies involving loss of human life or human illness etc.
- 35. Temporary annotations with regard to emergencies involving loss of human life or human illness etc.
- 36. Fees in connection with entry
- 37. Restoration to the Register of persons or premises removed from the Register
- 38. Offences relating to the Register
- 39. Appealable decisions
- 40. Appeals to the Appeals Committee
- 41. Appeals from the Appeals Committee

#### PART 5

Education, training and acquisition of experience and continuing professional development

- 42. Education, training and acquisition of experience
- 43. Continuing professional development
- 44. Specific obligations and powers of the Council in respect of education and training
- 45. Visitors
- 46. Information to be given by institutions or other providers
- 47. Refusal or withdrawal of approval of courses, qualifications and institutions

#### PART 6

#### Fitness to practise

- 48. Standards of conduct and performance
- 49. Disclosure of information: general

Status: This is the original version (as it was originally made).

- 50. Disclosure of fitness to practise matters in the public interest
- 51. Impairment of fitness to practise
- 52. Initial action in respect of allegations
- 53. Consideration by the Investigating Committee
- 54. Consideration by the Fitness to Practise Committee
- 55. Professional performance assessments
- 56. Interim orders
- 57. Restoration of names to the Register: fitness to practise
- 58. Appeals against appealable fitness to practise decisions
- 59. The taking effect of directions in respect of appealable fitness to practise decisions
- 60. Interim measures pending a direction taking effect

#### PART 7

#### Proceedings

- 61. Rules in respect of proceedings
- 62. Procedure for the Fitness to Practise Committee and the Appeals Committee
- 63. Legal advisers
- 64. Clinical and other specialist advisers

#### PART 8

#### Miscellaneous

- 65. General fees
- 66. Rules
- 67. The Directive: designation of competent authority etc.
- 68. Amendments, repeals and revocations
- 69. Transitional, transitory and saving provisions
- 70. Privy Council procedures etc. Signature

SCHEDULE 1 — Constitution of the General Pharmaceutical Council

- 1. Membership: general
- 2. Matters for the order of the Privy Council under article 4(2)
- 3. Powers of the Council
- 4. Registration of members' private interests
- 5. The statutory committees
- 6. The Council's duties in respect of publications
- 7. Accounts
- 8. Annual reports, statistical information and strategic plans

SCHEDULE 2 — Visiting Practitioners from relevant European States PART 1 — Pharmacists

- 1. Application and interpretation
- 2. Registration in respect of provision of occasional pharmacy services
- 3. Entitlement to provide occasional pharmacy services: first year
- 4. First provision of services: required documents
- 5. First provision of services: supplementary

- Entitlement to provide occasional pharmacy services after the first year: renewals
- 7. Duration of entitlement to provide occasional pharmacy services
- 8. Conditions
  - PART 2 Pharmacy technicians
- 9. Application and interpretation
- 10. Registration in respect of the provision of occasional services
- 11. Entitlement to provide occasional pharmacy services: first year
- 12. First provision of services: required documents
- 13. First provision of services: supplementary
- 14. Entitlement to provide occasional pharmacy services after the first year: renewals
- 15. Duration of entitlement to provide occasional pharmacy services
- 16. Conditions

# SCHEDULE 3 — The Directive: Designation of competent authority etc.

#### SCHEDULE 4 — Amendments, repeals and revocations

# PART 1 — Primary legislation

- 1. Amendment of the Medicines Act 1968
- 2. Amendment of the Poisons Act 1972
- 3. Amendment of the Race Relations Act 1976
- 4. Amendment of the National Health Service (Scotland) Act 1978
- 5. Amendment of the Value Added Tax Act 1994
- 6. Amendment of the Data Protection Act 1998
- 7. Amendment of the Health Act 1999
- 8. Amendment of the Regulation of Investigatory Powers Act 2000
- 9. Amendment of the Freedom of Information Act 2000
- 10. Amendment of the National Health Service Reform and Health Care Professions Act 2002
- 11. Amendment of the Income Tax (Earnings and Pensions) Act 2003
- 12. Amendment of the Health Act 2006
- 13. Amendment of the National Health Service Act 2006
- 14. Amendment of the National Health Service (Wales) Act 2006
- 15. Amendment of the Safeguarding Vulnerable Groups Act 2006
- Amendment of the Protection of Vulnerable Groups (Scotland) Act 2007
   PART 2 Secondary legislation
- 17. Amendment of the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973
- Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions)
   Order 1975
- 19. Amendment of the Medicines (Bal Jivan Chamcho Prohibition) (No 2) Order 1977
- 20. Amendment of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980
- 21. Amendment of the Medicines (Pharmacy and General Sale Exemption)
  Order 1980
- 22. Amendment of the Employment Agencies Act 1973 (Exemption) (No 2) Regulations 1984
- 23. Amendment of the Medicines (Fixing of Fees Relating to Medicinal Products for Human Use) Order 1989
- 24. Amendment of the National Health Service (Pharmaceutical Services) Regulations 1992

- 25. Amendment of the National Health Service (Service Committees and Tribunal) Regulations 1992
- 26. Amendment of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994
- 27. Amendment of the Prescription Only Medicines (Human Use) Order 1997
- 28. Amendment of the Building Societies (Business Names) Regulations 1998
- 29. Amendment of the Feeding Stuffs (Enforcement) Regulations 1999
- 30. Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 2000
- 31. Amendment of the Representation of the People (England and Wales) Regulations 2001
- 32. Amendment of the Representation of the People (Scotland) Regulations 2001
- 33. Amendment of the Family Health Services Appeal Authority (Procedure) Rules 2001
- 34. Amendment of the Misuse of Drugs Regulations 2001
- 35. Amendment of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002
- 36. Amendment of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002
- 37. Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003
- 38. Amendment of the Medicines (Child Safety) Regulations 2003
- 39. Amendment of the National Health Service (Tribunal) (Scotland) Regulations 2004
- 40. Amendment of the National Health Service (General Medical Services Contracts) Regulations 2004
- 41. Amendment of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004
- 42. Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2004
- 43. Amendment of the Medicines for Human Use (Clinical Trials) Regulations 2004
- 44. Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004
- 45. Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004
- 46. Amendment of the Regulation of Care (Social Service Workers) (Scotland) Order 2005
- 47. Amendment of the National Health Service (Pharmaceutical Services) Regulations 2005
- 48. Amendment of the Medicines for Human Use (Prescribing) Order 2005
- 49. Amendment of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005
- 50. Amendment of the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005
- 51. Amendment of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005
- 52. Amendment of the National Health Service (Discipline Committees) (Scotland) Regulations 2006
- 53. Amendment of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006

- 54. Amendment of the Controlled Drugs (Supervision of Management and Use) Regulations 2006
- 55. Amendment of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007
- 56. Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007
- 57. Amendment of the National Assembly for Wales (Representation of the People) Order 2007
- 58. Revocation of the Pharmacists and Pharmacy Technicians Order 2007
- 59. Amendment of the Licensing (Relevant Offences) (Scotland) Regulations 2007
- 60. Amendment of the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007
- 61. Amendment of the Scottish Parliament (Elections etc.) Order 2007
- 62. Amendment of the European Communities (Recognition of Professional Qualifications) Regulations 2007
- 63. Amendment of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008
- 64. Amendment of the Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008
- 65. Amendment of the Cosmetic Products (Safety) Regulations 2008
- 66. Amendment of the Medicines (Pharmacies) (Responsible Pharmacist) Regulations 2008
- 67. Amendment of the Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008
- 68. Amendment of the Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008
- 69. Diwygio Rheoliadau Cyffuriau a Reolir (Goruchwylio Rheolaeth a Defnydd) (Cymru) 2008
- 70. Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009
- 71. Amendment of the Veterinary Medicines Regulations 2009

# SCHEDULE 5 — Transitional Provisions

- 1. Interpretation
- 2. Members of committees
- 3. Transfer of information to the Register
- 4. The register
- 5. Appealable registration decisions
- 6. (1) The revocation of article 44 of the 2007 Order...
- 7. Transitional arrangements: pharmacy technicians
- 8. Offences relating to the Register: pharmacy technicians
- 9. Education and training
- 10. Premises
- 11. Fees
- 12. Fitness to practise proceedings
- 13. (1) The revocation of Part 5 of and Part 4...
- 14. Proceedings under section 80 of the 1968 Act
- 15. Supply of information
- 16. Application of TUPE
- 17. Transfer of property, rights and liabilities
- 18. Grants and loans

Status: This is the original version (as it was originally made).

19. Cancellation of elections to, and transitional measures relating to, the Council of the Society

SCHEDULE 6 — Savings

PART 1 — Primary legislation

- 1. Medicines Act 1968
- 2. Income Tax (Earnings and Pensions) Act 2003

PART 2 — Secondary legislation

- 3. Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- 4. National Health Service (Pharmaceutical Services) Regulations 1992
- 5. Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003
- 6. National Health Service (Pharmaceutical Services) Regulations 2005

**Explanatory Note**