

## SCHEDULE 1

Article 4(2) and (8)

### Constitution of the General Pharmaceutical Council

#### **Membership: general**

1.—(1) The Council is to consist of—

- (a) registrant members, that is members who are entered in the Register as a pharmacist or as a pharmacy technician; and
- (b) lay members, that is members who—
  - (i) are not and never have been entered in the register of any regulatory body, and
  - (ii) do not hold qualifications which would entitle them to apply for registration under this Order.

(2) The members of the Council are to be appointed by the Privy Council.

(3) The Privy Council must ensure that, at any time, at least one of the members of the Council lives or works wholly or mainly in each of England, Scotland and Wales.

(4) Subject to sub-paragraph (5), before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006<sup>(1)</sup> to exercise any function of the Privy Council relating to the appointment of members of the Council, the Privy Council must consult the Council.

(5) The requirement to consult the Council in sub-paragraph (4) does not apply in respect of any direction given to the Appointments Commission by the Privy Council under section 60(1) of the Health Act 2006 to exercise a function of the Privy Council relating to the initial appointment of the first members of the Council.

#### **Matters for the order of the Privy Council under article 4(2)**

2.—(1) An order under article 4(2) must include provision with regard to—

- (a) the number of registrant members and lay members of the Council;
- (b) the terms of office for which members of the Council are appointed and the order may provide that these are to be determined by the Privy Council, on appointment;
- (c) the grounds on which persons are to be disqualified for appointment as registrant or lay members of the Council;
- (d) the appointment (from among the members of the Council) of a chair of the Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
- (e) deputising arrangements in respect of the chair;
- (f) the appointment of the first Chief Executive Officer of the Council;
- (g) the quorum of the Council;
- (h) the circumstances in which members cease to hold office or may be removed or suspended from office.

(2) An order under article 4(2) may include provision with regard to—

- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;

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(1) 2006 c.28.

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- (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
- (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of its members in standing orders and for those standing orders to provide for—
  - (i) education and training to be the responsibility of another body, and
  - (ii) those requirements to be set and varied by that body from time to time;
- (d) the attendance of members of the Council at meetings of the Council.

(3) An order under article 4(2) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

### **Powers of the Council**

3.—(1) Subject to the following provisions of this Schedule, the Council has power to do anything which is calculated to facilitate the discharge of its functions or which is incidental or conducive to the discharge of its functions.

(2) The Council has, in particular, power—

- (a) to borrow;
- (b) to institute criminal prosecutions under any enactment;
- (c) to appoint such staff (including, subject to paragraph 2(1)(f), a Chief Executive Officer) as it may determine;
- (d) to establish such sub-committees of any of its committees as it may determine;
- (e) subject to any provision made by or under this Order, to regulate the procedure of any of its committees or their sub-committees;
- (f) to abolish any of its committees, other than a statutory committee, or to abolish any sub-committee of any of its committees;
- (g) to pay its members such remuneration, pensions, allowances, expenses or gratuities, or make such contributions or payments towards provision for such pensions, allowances or gratuities, as may be determined by the Privy Council on appointment;
- (h) to pay the members of its statutory committees (including co-opted members), the members of any of its other committees and the members of the sub-committees of any of its committees such remuneration, pensions, allowances, expenses or gratuities, or make such contributions or payments towards provision for such pensions, allowances or gratuities, as it may reasonably determine;
- (i) to pay its staff (including the Registrar and any Deputy Registrar) such remuneration, pensions, allowances, expenses or gratuities, or make such contributions or payments towards provision for such pensions, allowances or gratuities, as it may reasonably determine;
- (j) to pay such remuneration, allowances or expenses as it may reasonably determine to advisers advising the Council or one of its committees on issues falling within the advisers' speciality which are under consideration by the Council or committee, including legal advisers appointed under article 63 and clinical and other specialist advisers appointed under article 64.

(3) The powers of the Council may be exercised even though there is a vacancy among its members.

(4) No proceedings of the Council are to be invalidated by any defect in the appointment of a member.

(5) Subject to any provision made by or under this Order, the Council may regulate its own procedure.

#### **Registration of members' private interests**

4.—(1) The Council must establish and maintain a system for the declaration and registration of private interests of its members.

(2) The Council must publish in such manner as it sees fit entries recorded in its register of members' private interests.

#### **The statutory committees**

5.—(1) The Council must by rules, as regards each of the statutory committees, make provision with regard to—

- (a) its size and composition (which may vary according to the functions the committee is performing), but the number of members of the committee who are registrants must not exceed the number of other members on the committee by more than one;
- (b) the appointment, performance, suspension and removal from office of its members;
- (c) the appointment, performance, suspension and removal from office of its chair (who is to be one of its members);
- (d) the quorum at its meetings; and
- (e) its procedures, including deputising arrangements with regard to its chair.

(2) The provisions with regard to size, composition and procedures of a statutory committee may, except in relation to the Investigating Committee, provide for the chair of the committee to have the power to determine a particular size and composition for the committee for a particular hearing or inquiry before the committee and, in particular, to determine—

- (a) that only specified members of the full committee are entitled to sit at the hearing or inquiry and decide the matter to which the hearing or inquiry relates (but the chair or a deputy chair must be one of the specified members); and
- (b) a different quorum for the hearing or inquiry and the related meetings of the committee than would otherwise be the case (which must not be less than three),

but where the chair does determine a particular size and composition of the committee for a particular hearing or inquiry, the chair must ensure that the number of registrants who are members of that formation of the committee does not exceed the number of other members by more than one.

(3) Rules under this paragraph may in addition include provision with regard to—

- (a) the education and training of members of a statutory committee, and the rules may provide that members are to meet competencies that the Council may determine from time to time;
- (b) the attendance of members of a statutory committee;
- (c) requiring a statutory committee to—
  - (i) establish and maintain a system for the declaration and registration of private interests of its members, and
  - (ii) publish in such manner as it sees fit entries recorded in its register of members' private interests; and
- (d) the functions to be performed by a statutory committee and how it is to perform them.

(4) Rules under this paragraph must provide that—

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- (a) no person may be both a member of the Council and of the Appeals Committee or the Fitness to Practise Committee;
  - (b) no person may be both a member of the Investigating Committee and of the Fitness to Practise Committee;
  - (c) no person who is a member of the Fitness to Practise Committee that has made an interim order under article 56 in proceedings in any case may sit as a member of the Committee in subsequent proceedings in that case, unless the subsequent proceedings relate solely to measures under article 56; and
  - (d) the appointment, suspension and removal of members, chairs and deputy chairs of the statutory committees must be by the Council, except that the rules may provide for the Council to enter into arrangements with another person, body or committee (including a committee of the Council that is not one of the statutory committees) to carry out all or any of these functions on the Council's behalf.
- (5) Rules under this paragraph may provide for a statutory committee to—
- (a) have more than one deputy chair;
  - (b) co-opt members onto the committee in such circumstances as may be specified in the rules; and
  - (c) discharge, in such circumstances and subject to such conditions as may be specified in the rules, functions of the Council.
- (6) The powers of a statutory committee may be exercised even though there is a vacancy among its members.
- (7) No proceedings of a statutory committee are to be invalidated by any defect in the appointment of a member.

### **The Council's duties in respect of publications**

**6.—(1)** The Council must from time to time publish or provide in such manner as it sees fit information about the regulation of pharmacists, pharmacy technicians and registered pharmacies.

(2) The Council may from time to time publish or provide in such manner as it sees fit guidance to registrants, employers and such other persons as it considers appropriate in respect of the standards for the education, training, supervision and performance of persons who are not registrants but who provide services in connection with those provided by registrants.

### **Accounts**

- 7.—(1)** The Council must—
- (a) keep accounts, which must be in such form as the Privy Council may determine; and
  - (b) prepare annual accounts in respect of each financial year, which must be in such form and must be prepared by such date as the Privy Council determines.
- (2) In sub-paragraph (1), “financial year” means—
- (a) the period beginning with the day on which the Council is established and ending with the next 31 March following that day, and
  - (b) each successive period of 12 months ending with 31 March.
- (3) The Council must ensure that a person eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006(2) (statutory auditors) audits the Council's annual accounts.

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(2) 2006 c.46.

(4) As soon as is reasonably practicable after those accounts have been audited, the Council must—

- (a) cause them to be published together with any report made on them by the auditors appointed under sub-paragraph (3); and
- (b) send a copy of those annual accounts and of any such report to the Privy Council,

and the Privy Council must lay before each House of Parliament and before the Scottish Parliament a copy of those annual accounts and of any report on the accounts made by the auditors appointed under sub-paragraph (3).

### **Annual reports, statistical information and strategic plans**

**8.—**(1) The Council must publish, by such date in each calendar year as the Privy Council may determine—

- (a) a report on the exercise of its functions which includes a description of the arrangements that the Council has put in place to ensure that it adheres to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006<sup>(3)</sup> (equality and diversity));
- (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the Council has put in place to protect members of the public from registrants whose fitness to practise is impaired, together with the Council’s observations on the report; and
- (c) a strategic plan for the Council in respect of such number of years as the Council determines.

(2) The Council must submit copies of the reports and the plan published under sub-paragraph (1) to the Privy Council and the Privy Council must lay copies of the reports and the plan before each House of Parliament and before the Scottish Parliament.

## SCHEDULE 2

Article 33

### Visiting Practitioners from relevant European States

## PART 1

### Pharmacists

#### **Application and interpretation**

**1.—**(1) This Part of this Schedule applies to an exempt person who is lawfully established as a pharmacist in a relevant European State other than the United Kingdom.

(2) In this Part—

- (a) a “visiting practitioner” means an exempt person to whom this Part applies;
- (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established as a pharmacist;

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(3) 2006 c.3.

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- (c) a reference to the provision of occasional pharmacy services is a reference to the provision of services as a pharmacist in Great Britain on a temporary and occasional basis; and
- (d) “indemnity arrangement” has the same meaning as in article 32.

### **Registration in respect of provision of occasional pharmacy services**

2.—(1) A visiting practitioner is entitled to be entered in Part 4 of the Register if the practitioner is entitled under paragraph 3 or 6 to provide occasional pharmacy services; and the Registrar must give effect to that entitlement.

(2) A visiting practitioner who is entitled under sub-paragraph (1) to be entered in Part 4 of the Register, but who is not entered in that part of the Register, is to be treated as being so entered.

(3) The Registrar may refuse to enter a visiting practitioner in Part 4 of the Register if, in the Registrar’s opinion, that visiting practitioner is not entitled under paragraph 3 or 6 to provide occasional pharmacy services.

(4) If under sub-paragraph (3) the Registrar refuses to enter a visiting practitioner in Part 4 of the Register, the Registrar must send to the practitioner at the practitioner’s last known home address a statement in writing giving the practitioner notice of that decision and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

(5) Sub-paragraph (6) applies where a person’s entitlement under sub-paragraph (1) to be entered in Part 4 of the Register ceases because, by reason of the operation of paragraph 7(1), (2) or (5), the person ceases to be entitled under this Part to provide occasional pharmacy services.

(6) If the person’s name is entered in Part 4 of the Register, the Registrar may remove that person’s name from that part of the Register.

(7) Sub-paragraphs (1), (2), (5) and (6) do not affect the application, in relation to persons entered in Part 4 of the Register on the basis of an entitlement under sub-paragraph (1), of any other provision of this Order under which a registered pharmacist’s name may be removed from that part of the Register or under which a registered pharmacist’s entry in that part of the Register may be suspended.

### **Entitlement to provide occasional pharmacy services: first year**

3. A visiting practitioner is entitled to provide occasional pharmacy services if—

- (a) the practitioner has complied with the requirements of paragraph 4; and
- (b) where the practitioner’s case falls within regulation 3(9)(a) or (e) of the General Systems Regulations, the provision by the practitioner of occasional pharmacy services is in accordance with regulations 14 to 16 of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to undertake pursuant to Part 2 of those Regulations),

and paragraph 7 contains provision about the duration of entitlement under this paragraph.

### **First provision of services: required documents**

4.—(1) A visiting practitioner who proposes to provide occasional pharmacy services for the first time must, before providing those services, send or produce to the Registrar the required documents.

(2) The required documents are—

- (a) a written declaration that—
  - (i) states the practitioner’s wish to provide occasional pharmacy services, and

- (ii) contains details of the indemnity arrangement, or the other means of personal or collective protection, that the practitioner has in place in respect of liabilities that may be incurred in practising as a pharmacist;
  - (b) if the practitioner is a national of a relevant European State, proof of nationality;
  - (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
  - (d) evidence of qualifications in pharmacy (see also paragraph 5); and
  - (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
    - (i) that the practitioner is lawfully established as a pharmacist in that State, and
    - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a pharmacist there.
- (3) A declaration under sub-paragraph (2)(a) may be supplied by any means.

#### **First provision of services: supplementary**

5.—(1) Subject to sub-paragraph (3), the evidence referred to in paragraph 4(2)(d) is evidence of the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the pharmacy services that the practitioner proposes to provide in Great Britain on a temporary and occasional basis.

(2) This sub-paragraph applies to a visiting practitioner whose case falls within regulation 3(9) (a) or (e) of the General Systems Regulations (with the result that the practitioner is not able to provide occasional pharmacy services unless their provision by the practitioner is in accordance with regulations 14 to 16 of those Regulations).

(3) If sub-paragraph (2) applies to a visiting practitioner, the evidence referred to in paragraph 4(2)(d) of the practitioner's qualifications in pharmacy is evidence of the qualifications which entitle the practitioner to practise as a pharmacist in his home State.

(4) In this paragraph, "European-recognised qualifications" means qualifications which relevant European States are required by the Directive to recognise.

#### **Entitlement to provide occasional pharmacy services after the first year: renewals**

6.—(1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Part to provide occasional pharmacy services before such time prior to the practitioner's entitlement ceasing to be valid under article 7(1) or (2) as is prescribed by the Council for the receipt of those documents by the Registrar.

(2) The visiting practitioner is entitled to continue to provide occasional pharmacy services, and paragraph 7 contains provision about the duration of the entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Part to provide occasional pharmacy services;
- (b) who has previously been entitled under this Part to provide occasional pharmacy services; and
- (c) whose entry in Part 4 of the Register is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional pharmacy services but, in a case where the practitioner's name is not in Part 4 of the Register as a result of removal otherwise

than under paragraph 2(6), only if the Registrar decides, after having regard (in particular) to the fact of that removal and the reasons for it, that the entitlement should be renewed, and paragraph 7 contains provision about the duration of entitlement under this sub-paragraph.

(5) In relation to a visiting practitioner “the required renewal documents” are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner’s wish to provide occasional pharmacy services in a further year; and
- (b) contains details of the indemnity arrangement, or the other means of personal or collective protection, that the practitioner has in place in respect of liabilities that may be incurred in practising as a pharmacist.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 4;
- (b) is not a declaration under paragraph 4(2)(a); and
- (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 4 or this paragraph) supplied the then-current version of the document to the Registrar,

the version of the document current when, under this paragraph, the practitioner supplies a renewal declaration to the Registrar is an “evidence of change document” for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

(9) If the Registrar refuses to renew the entry of a visiting practitioner in the Register, the Registrar must send to that practitioner at that practitioner’s last known home address a statement in writing giving that practitioner notice of the refusal and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

### **Duration of entitlement to provide occasional pharmacy services**

7.—(1) Unless an entitlement under paragraph 3 or 6 is continued by paragraph 6(2), or further continued by paragraph 6(4), the entitlement ceases at the end of the year that begins with the end of the day on which the Registrar received the documents whose receipt gave rise to the entitlement.

(2) Where an entitlement under paragraph 3 or 6 is continued by paragraph 6(2), or further continued by paragraph 6(4), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 3 or 6(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.



- (5) An entitlement under this Part to provide occasional pharmacy services ceases if—
- (a) the visiting practitioner concerned becomes established as a pharmacist in the United Kingdom; or
  - (b) a disqualifying decision is made against the visiting practitioner concerned.
- (6) In sub-paragraph (5), “disqualifying decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner’s home State that has the effect that the practitioner—
- (a) ceases in that State to be registered or otherwise officially recognised as a pharmacist; or
  - (b) is prohibited (whether on a permanent or temporary basis) from practising as a pharmacist in that State.
- (7) If in the case of a visiting practitioner—
- (a) the practitioner’s entry in Part 4 of the Register is suspended or the practitioner’s name is removed from that part of the Register; and
  - (b) immediately before the time when the suspension or, as the case may be, removal takes effect, the practitioner is entitled under this Part to provide occasional pharmacy services,
- that entitlement ceases at that time.

### **Conditions**

- 8.—(1) Sub-paragraph (2) applies if—
- (a) the establishment of a visiting practitioner in the practitioner’s home State is subject to a condition relating to the practitioner’s practice as a pharmacist;
  - (b) the practitioner’s name is in Part 4 of the Register; and
  - (c) for any of the purposes of this Order it falls to be decided whether the practitioner’s fitness to practise is or may be impaired on the ground of misconduct.
- (2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional pharmacy services that is, or would be if the condition applied in relation to practice as a pharmacist outside the practitioner’s home State, a breach of the condition.
- (3) In sub-paragraphs (1) and (2) “condition” includes limitation.

## **PART 2**

### **Pharmacy technicians**

#### **Application and interpretation**

- 9.—(1) This Part of this Schedule applies to an exempt person who is lawfully established as a pharmacy technician in a relevant European State other than the United Kingdom.
- (2) In this Part—
- (a) a “visiting practitioner” means an exempt person to whom this Part applies;
  - (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established as a pharmacy technician;
  - (c) a reference to the provision of occasional pharmacy services is a reference to the provision of services as a pharmacy technician in Great Britain on a temporary and occasional basis; and

- (d) “indemnity arrangement” has the same meaning as in article 32.

### **Registration in respect of the provision of occasional services**

**10.**—(1) A visiting practitioner is entitled to be entered in Part 5 of the Register if the practitioner is entitled under paragraph 11 or 14 to provide occasional pharmacy services: and the Registrar must give effect to that entitlement.

(2) A visiting practitioner who is entitled under sub-paragraph (1) to be entered in Part 5 of the Register as a pharmacy technician, but who is not entered in that part of the Register, is to be treated as being so entered.

(3) The Registrar may refuse to enter a visiting practitioner in Part 5 of the Register if, in the Registrar’s opinion, that visiting practitioner is not entitled under paragraph 11 or 14 to provide occasional pharmacy services.

(4) If under sub-paragraph (3) the Registrar refuses to enter a visiting practitioner in Part 5 of the Register, the Registrar must send to the practitioner at the practitioner’s last known home address a statement in writing giving the practitioner notice of that decision and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

(5) Sub-paragraph (6) applies where a person’s entitlement under sub-paragraph (1) to be entered in Part 5 of the Register ceases because, by reason of the operation of paragraph 15(1), (2) or (5), the person ceases to be entitled to provide occasional pharmacy services.

(6) If the person’s name is entered in Part 5 of the Register, the Registrar may remove that person’s name from that part of the Register.

(7) Sub-paragraphs (1), (2), (5) and (6) do not affect the application, in relation to persons entered in Part 5 of the Register on the basis of an entitlement under sub-paragraph (1), of any other provision of this Order under which a registered pharmacy technician’s name may be removed from that part of the Register or under which a registered pharmacy technician’s entry in that part of the Register may be suspended.

### **Entitlement to provide occasional pharmacy services: first year**

**11.** A visiting practitioner is entitled to provide occasional pharmacy services if—

- (a) the practitioner has complied with the requirements of paragraph 12; and
- (b) the practitioner has the benefit of regulation 8 of the General Systems Regulations (having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by a visiting practitioner of services as a pharmacy technician),

and paragraph 15 contains provision about the duration of entitlement under this paragraph.

### **First provision of services: required documents**

**12.**—(1) A visiting practitioner who proposes to provide occasional pharmacy services for the first time must, before providing those services, send or produce to the Registrar the required documents.

(2) The required documents are—

- (a) a written declaration that—
  - (i) states the practitioner’s wish to provide occasional pharmacy services, and
  - (ii) contains details of the indemnity arrangement, or the other means of personal or collective protection, that the practitioner has in place in respect of liabilities that may be incurred in practising as a pharmacy technician;

- (b) if the practitioner is a national of a relevant European State, proof of nationality;
  - (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
  - (d) evidence of qualifications in pharmacy (see also paragraph 13); and
  - (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
    - (i) that the practitioner is lawfully established as a pharmacy technician in that State, and
    - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a pharmacy technician there;
  - (f) if a certificate of the type referred to in paragraph (e) is not available, such other information or documents from such other individuals, authorities or organisations as the Council may prescribe.
- (3) A declaration under sub-paragraph (2)(a) may be supplied by any means.

#### **First provision of services: supplementary**

- 13.**—(1) The evidence referred to in paragraph 12(2)(d) is evidence of—
- (a) the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the pharmacy services that the practitioner proposes to provide in Great Britain on a temporary and occasional basis; or
  - (b) the qualifications which entitle the practitioner to practise as a pharmacy technician in the practitioner's home State.
- (2) In this paragraph, "European-recognised qualifications" means qualifications which relevant European States are required by the Directive to recognise.

#### **Entitlement to provide occasional pharmacy services after the first year: renewals**

**14.**—(1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Part to provide occasional pharmacy services before such time prior to the practitioner's entitlement ceasing to be valid under article 15(1) or (2) as is prescribed by the Council for the receipt of those documents by the Registrar.

(2) The visiting practitioner is entitled to continue to provide occasional pharmacy services, but paragraph 15 contains provision about the duration of the entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Part to provide occasional pharmacy services;
- (b) who has previously been entitled under this Part to provide occasional pharmacy services; and
- (c) whose entry in Part 5 of the Register is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional pharmacy services but, in a case where the practitioner's name is not in Part 5 of the Register as a result of removal otherwise than under paragraph 10(6), only if the Registrar decides, after having regard (in particular) to the fact of that removal and the reasons for it, that the entitlement should be renewed, and paragraph 15 contains provision about the duration of entitlement under this sub-paragraph.

- (5) In relation to a visiting practitioner, "the required renewal documents" are—
- (a) a renewal declaration; and

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- (b) each evidence of change document (if any).
- (6) In this paragraph, “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—
  - (a) states the practitioner’s wish to provide occasional pharmacy services in a further year; and
  - (b) contains details of the indemnity arrangement, or the other means of personal or collective protection, that the practitioner has in place in respect of liabilities that may be incurred in practising as a pharmacy technician.
- (7) Where a document—
  - (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 12;
  - (b) is not a declaration under paragraph 12(2)(a); and
  - (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 12 or this paragraph) supplied the then-current version of the document to the Registrar,

the version of the document current when, under this paragraph, the practitioner supplies a renewal declaration to the Registrar is an “evidence of change document” for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

(9) If the Registrar refuses to renew the entry of a visiting practitioner in the Register, the Registrar must send to that practitioner at that practitioner’s last known home address a statement in writing giving that practitioner notice of the refusal and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

### **Duration of entitlement to provide occasional pharmacy services**

**15.**—(1) Unless an entitlement under paragraph 11 or 14 is continued by paragraph 11(2), or further continued by paragraph 14(2), the entitlement ceases at the end of the year that begins with the end of the day on which the Registrar received the documents whose receipt gave rise to the entitlement.

(2) Where an entitlement under paragraph 11 is continued by paragraph 14(2), or further continued by paragraph 14(4), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3), “the start day”, in relation to an entitlement under paragraph 11 or 14(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Part ceases if—

- (a) the visiting practitioner concerned becomes established as a pharmacy technician in the United Kingdom; or
- (b) a disqualifying decision is made against the visiting practitioner concerned.

(6) In sub-paragraph (5), “disqualifying decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner’s home State that has the effect that the practitioner—

- (a) ceases in that State to be registered or otherwise officially recognised as a pharmacy technician; or
- (b) is prohibited (whether on a permanent or temporary basis) from practising as a pharmacy technician in that State.

(7) If in the case of a visiting practitioner—

- (a) the practitioner’s entry in Part 5 of the Register is suspended or the practitioner’s name is removed from that part of the Register; and
- (b) immediately before the time when the suspension or, as the case may be, removal takes effect, the practitioner is entitled under this Part to provide occasional pharmacy services,

that entitlement ceases at that time.

**Conditions**

16.—(1) Sub-paragraph (2) applies if—

- (a) the establishment of a visiting practitioner in the practitioner’s home State is subject to a condition relating to that practitioner’s practice as a pharmacy technician;
- (b) the practitioner’s name is in Part 5 of the Register; and
- (c) for any of the purposes of this Order it falls to be decided whether the practitioner’s fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional pharmacy services that is, or would be if the condition applied in relation to practice as a pharmacy technician outside the practitioner’s home State, a breach of the condition.

(3) In sub-paragraphs (1) and (2), “condition” includes limitation.

SCHEDULE 3

Article 67

The Directive: Designation of competent authority etc.

<i>Provision of Directive</i>	<i>Function of Council</i>
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established as pharmacists and pharmacy technicians in Great Britain.
Article 8(1)	Receiving information from, or providing information to, other competent authorities in relation to— (a) the legality of a person’s establishment as a pharmacist or pharmacy technician; (b) the good conduct of such a person; (c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with

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<i>Provision of Directive</i>	<i>Function of Council</i>
	the investigation of complaints made against persons providing services as a pharmacist or pharmacy technician.
Article 23(1)	Issuing certificates of effective and lawful practice in Great Britain to pharmacists and pharmacy technicians.
Article 23(6)	Issuing certificates stating that GB pharmacy qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.6.2 of Annex V to the Directive, certify successful completion of training in pharmacy that is in accordance with article 44 of the Directive or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 44 of the Directive.
Article 50(1) and paragraph 1(b) of Annex VII	Providing information to other competent authorities concerning the training in Great Britain of a pharmacist or pharmacy technician to whom Chapter 1 of Part 3 of the General Systems Regulations applies.
Article 50(1) and paragraph 1(d) of Annex VII	Issuing, in respect of practice as a pharmacist or pharmacy technician, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
Article 50(1) and paragraph 2 of Annex VII	Issuing certificates stating that evidence of GB pharmacy qualifications is that covered by the Directive.
Article 50(2)	In cases of justified doubts— <ul style="list-style-type: none"> <li>(a) requiring confirmation of the authenticity of non-UK pharmacy qualifications;</li> <li>(b) requiring confirmation that holders of non-UK pharmacy qualifications satisfy the minimum training conditions set out in article 44 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions;</li> <li>(c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person’s GB pharmacy qualifications;</li> <li>(d) providing confirmation that holders of GB pharmacy qualifications satisfy the minimum training conditions set out in article 44 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions.</li> </ul>
Article 50(3)	In cases of justified doubts— <ul style="list-style-type: none"> <li>(a) verifying information provided in connection with non-UK pharmacy qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;</li> </ul>

<i>Provision of Directive</i>	<i>Function of Council</i>
	(b) providing information in connection with a person’s GB pharmacy qualifications awarded following training in another relevant European State.
Article 56(1)	Ensuring the confidentiality of information exchanged with other competent authorities.
Article 56(2)	<p>Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for the practice of the profession of pharmacist or pharmacy technician.</p> <p>Where such information is received by the Council—</p> <ul style="list-style-type: none"> <li>(a) examining the veracity of the circumstances;</li> <li>(b) deciding the nature and scope of any investigations that need to be carried out;</li> <li>(c) informing other competent authorities of the Council’s conclusions.</li> </ul>

SCHEDULE 4

Article 68

Amendments, repeals and revocations

**PART 1**

Primary legislation

**Amendment of the Medicines Act 1968**

1.—(1) The Medicines Act 1968(4) is amended as follows.

(2) In section 69(5) (general provisions for Part 4)—

- (a) in subsection (1ZA), for “registered in Part 3 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 (visiting pharmacists from relevant European States)” substitute “registered in Part 4 of the register maintained under article 19 of the Pharmacy Order 2010 (visiting pharmacists from relevant European States)”;
- (b) in subsection (3)—
  - (i) omit the definition of “the Council”,
  - (ii) insert, in the appropriate place, the following definition—
 

““the register” means—

(4) 1968 c.67.

(5) Subsection (1ZA) was inserted by S.I.2007/3101, regulation 98(a) and amended by regulation 13 of the European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R.2008/192). Subsection (3) was amended by the Statute Law Repeals Act 1993 (c.50), Schedule 1, Part 12, by S.I.1976/1213 and by S.I.2007/289.

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- (a) in relation to Great Britain, the register established and maintained under article 19 of the Pharmacy Order 2010; and
  - (b) in relation to Northern Ireland, the register kept for the purposes of section 75;”
- (iii) for the definition of “the registrar”, substitute—
  - ““the registrar” means—
  - (a) in relation to Great Britain, the person appointed under article 18 of the Pharmacy Order 2010 as registrar for the purposes of that Order; and
  - (b) in relation to Northern Ireland, the person appointed under Article 9(1) of the Pharmacy (Northern Ireland) Order 1976 as registrar for the purposes of that Order;”, and
- (iv) for the definition of “the relevant disciplinary committee” substitute—
  - ““the relevant disciplinary committee” means—
  - (a) in relation to Great Britain, the Fitness to Practise Committee established under article 4(6) of the Pharmacy Order 2010; and
  - (b) in relation to Northern Ireland, the Statutory Committee appointed under Article 19 of the Pharmacy (Northern Ireland) Order 1976;”.
- (3) In section 70(6) (business carried on by individual pharmacist or by partners)—
  - (a) in subsection (3), for paragraph (b) substitute—
    - “(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under the Pharmacy (Northern Ireland) Order 1976, and”;
  - (b) in subsection (4), for paragraph (b) substitute—
    - “(b) if the business is carried on by a partnership, one of the partners or, in Scotland, one of the partners who is a person registered in Part 1 of the register maintained under article 19 of the Pharmacy Order 2010 (pharmacists other than visiting practitioners), or”;
  - (c) for subsection (5) substitute—
    - “(5) In relation to premises in Great Britain that have been registered pharmacies for less than three years, the responsible pharmacist may not be a person who is a pharmacist by virtue of a qualification in pharmacy awarded in a relevant European State.
    - (6) Subsection (5) does not apply to premises entered in the register by virtue of section 74J.”.
- (4) In section 71(7) (business carried on by body corporate)—
  - (a) in subsection (3), for paragraph (b) substitute—
    - “(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under the Pharmacy (Northern Ireland) Order 1976, and”;
  - (b) for subsection (5) substitute—

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(6) Section 70 is substituted by section 27 of the Health Act 2006 (c.28) (as amended by S.I.2007/3101 as from 1 October 2009 (see S.I.2008/2714 (C.114))). Section 70(3) and (5) was amended by S.I.2007/289.

(7) Section 71 is substituted by section 28 of the Health Act 2006 (as amended by S.I. 2007/3101 as from 1 October 2009 (see S.I.2008/2714 (C.114))). Section 71(3) and (5) was amended by S.I.2007/289. Section 71(7) was amended by the European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R.2008/192).



“(5) In relation to premises in Great Britain that have been registered pharmacies for less than three years, the responsible pharmacist may not be a person who is a pharmacist by virtue of a qualification in pharmacy awarded in a relevant European State.

(5A) Subsection (5) does not apply to premises entered in the register by virtue of section 74J.”;

(c) for subsection (7) substitute—

“(7) In subsection (6)(a) “pharmacist”—

(a) does not include a person registered in Part 4 of the register maintained under article 19 of the Pharmacy Order 2010 (visiting pharmacists from relevant European States) unless the retail pharmacy business under the management of the person is carried on (in whole or in part) at premises entered in the register by virtue of section 74J; and

(b) does not include a person registered in the register of visiting pharmaceutical chemists from relevant European States maintained under Article 9 of the Pharmacy (Northern Ireland) Order 1976.”; and

(d) after subsection (7), insert—

“(8) If a person who has managed a relevant retail pharmacy business as a superintendent ceases to do so (otherwise than by reason of death) the person must notify the registrar in writing of that fact within the period of 28 days beginning with the day on which the person ceases to manage the business.

(9) For the purposes of subsection (8), a “relevant retail pharmacy business” is a retail pharmacy business carried on (in whole or in part) at premises in Great Britain.”.

(5) In section 72(8) (representative of a pharmacist in case of death or disability) for paragraph (b) of subsection (2B) substitute—

“(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under the Pharmacy (Northern Ireland) Order 1976, and”.

(6) In subsection 72B(9) (section 72A: supplementary), for subsection (1) substitute—

“(1) The failure by a person to comply with any requirements of section 72A of this Act, or of regulations made under that section, may constitute misconduct for the purposes of section 80 of this Act, article 51(1)(a) of the Pharmacy Order 2010 and Article 20 of the Pharmacy (Northern Ireland) Order 1976 and the relevant disciplinary committee may deal with such a failure accordingly.”.

(7) In section 74(10) (meaning of “registered pharmacy”)—

(a) in subsection (1), omit “required to be kept under section 75 of this Act”;

(b) after subsection (1) insert—

“(1A) If the entry of a registered pharmacy in the register is suspended under paragraph (4)(b) of article 14 of the Pharmacy Order 2010 then, except for such purposes of that Order as the General Pharmaceutical Council may prescribe by rules, that registered pharmacy must be treated as not being entered in the register notwithstanding that the register still includes the address of that pharmacy.

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(8) Section 72(2), (2A) and (2B) was inserted by section 29 of the Health Act 2006 (as amended by [S.I.2007/3101](#) as from 1 October 2009 (see [S.I.2008/2714 \(C.114\)](#)). Section 72(2B) was amended by [S.I.2007/289](#).

(9) Section 72B was substituted by section 30 of the Health Act 2006 as from 1 October 2009 (see [S.I.2008/2714 \(C.114\)](#)). Section 72B was amended by [S.I.2007/289](#).

(10) Section 74(1), (2), (4) and (6) were amended, and section 74(2) and (4) repealed, by the Statute Law (Repeals) Act 1993 ([c.50](#)) and [S.I.2006/2407](#).

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(1B) Accordingly, premises whose entry in the register is suspended are not to be treated as a registered pharmacy for the purposes of this Act or any other enactment apart from that Order.”; and

(c) omit subsection (3).

(8) After section 74 insert—

**“Registration of premises: Great Britain**

**74A.**—(1) This section applies in relation to premises in Great Britain.

(2) If the registrar is satisfied that the conditions in section 74B are met in relation to premises that are not entered in the register, the registrar must enter the premises in Part 3 of the register unless the registrar considers that doing so would prejudice the health, safety or well-being of members of the public.

(3) Subject to subsection (5) and to section 74H, the entry of premises entered in Part 3 of the register under subsection (2) is valid for the period of one year beginning with the date on which the entry was made.

(4) If the registrar is satisfied that the conditions in section 74B are met in relation to premises entered in Part 3 of the register under subsection (2), the registrar must renew the entry of the premises unless the registrar considers that doing so would prejudice the health, safety or well-being of members of the public.

(5) Subject to subsection (7) and to section 74H, each renewal of the entry of premises entered in Part 3 of the register under subsection (2) extends the validity of the entry for the period of one year beginning with the day on which the entry would otherwise have ceased to be valid.

(6) The registrar may, except in such circumstances as may be prescribed by the General Pharmaceutical Council in rules, renew the entry of premises in Part 3 of the register for a period exceeding one year beginning with the day on which the entry would otherwise have ceased to be valid in which case the renewal of the entry of premises entered in that part of the register under subsection (2) extends the validity of the entry for that period.

(7) If the entry of premises entered in Part 3 of the register under this section ceases to be valid then, except in such circumstances as may be prescribed by the General Pharmaceutical Council in rules, the premises are to be treated for all purposes as no longer being entered in Part 3 of the register and accordingly the registrar must remove the entry from that part of the register.

**Conditions for registration: Great Britain**

**74B.**—(1) The conditions referred to in section 74A are as follows.

(2) Condition A is that an application for the entry of the premises in Part 3 of the register or, as the case may be, for the renewal of the entry of the premises in Part 3 of the register is made—

- (a) in such form and manner as is prescribed in rules made by the General Pharmaceutical Council; and
- (b) if the application is an application for renewal, by such time prior to the entry ceasing to be valid as is so prescribed.

(3) Condition B is that the appropriate fee prescribed in rules made by the General Pharmaceutical Council under article 36(1) of the Pharmacy Order 2010 is paid.

(4) Condition C—

- (a) if the application is an application for the entry of the premises in Part 3 of the register, is that either—
    - (i) the applicant is lawfully conducting a retail pharmacy business, or
    - (ii) if the premises are entered in Part 3 of the register, and the applicant begins to carry on a retail pharmacy business at the premises, the applicant will, from the time the applicant begins to do so, be a person lawfully conducting a retail pharmacy business; or
  - (b) if the application is an application for the renewal of the entry of the premises in Part 3 of the register, is that the applicant is lawfully conducting a retail pharmacy business at the premises.
- (5) Condition D—
- (a) if the application is an application for the entry of the premises in Part 3 of the register, is that the standards that are provided for in rules made under article 7(1) of the Pharmacy Order 2010 are met, or are capable of being met, in connection with the carrying on of a retail pharmacy business at the premises; or
  - (b) if the application is an application for the renewal of the entry of the premises in Part 3 of the register, is—
    - (i) that the standards that are provided for in rules made under article 7(1) of the Pharmacy Order 2010 are met in connection with the carrying on of a retail pharmacy business at the premises, and
    - (ii) that the requirements of rules made under article 7(4) of that Order are met by the person carrying on a retail pharmacy business at the premises.

#### **Supplementary provision in respect of registration of premises: Great Britain**

**74C.**—(1) The registrar may restore to Part 3 of the register the entry of premises removed from that part of the register by virtue of section 74A(7) if an application is made to the registrar in accordance with this section.

- (2) An entry restored under this section to Part 3 of the register—
  - (a) is still to be treated as having been entered in that part of the register under section 74A;
  - (b) is valid for the period of one year beginning with the day on which the entry would otherwise have ceased to be valid by virtue of section 74A(7) or is valid for such longer period beginning with that day as the registrar may in any particular case allow; and
  - (c) may be subject to the same conditions as those to which the entry was subject immediately before it was removed from Part 3 of the register by virtue of section 74A(7) or may be subject to such other conditions as the registrar may impose under section 74D(1).
- (3) An application for restoration may be made to the registrar by the person who is the owner of the retail pharmacy business previously carried on at the premises and that person must be—
  - (a) a person who is lawfully conducting a retail pharmacy business; or
  - (b) a person who, if the entry of the premises is restored to Part 3 of the register and the person begins to carry on a retail pharmacy business at the premises, will, from the time the person begins to do so, be a person lawfully conducting a retail pharmacy business.

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(4) The General Pharmaceutical Council may make rules in connection with applications under this section.

(5) Rules under subsection (4) may, in particular, include provision—

- (a) about the form and manner in which applications are to be made (and the rules may provide that applicants must apply using application forms that are in such form as the General Pharmaceutical Council may determine from time to time);
- (b) about the information to be provided in respect of applications; and
- (c) about the circumstances in which applications must or, as the case may be, may be refused (including where an application for renewal under this section was not received by the registrar by the time prescribed by the General Pharmaceutical Council in rules under section 74B(2)(b)).

(6) Where the registrar restores the entry of premises to Part 3 of the register pursuant to an application under this section, the registrar must give notice in writing of that restoration to the applicant.

(7) The notice under subsection (6) must specify—

- (a) the period for which the entry restored to Part 3 of the register is valid;
- (b) any conditions to which that entry is subject by virtue of subsection (2)(c).

(8) The notice under subsection (6) must be sent—

- (a) where the retail pharmacy business was carried on by an individual, to that individual at that individual's home address in the register;
- (b) where the retail pharmacy business was carried on by a partnership, to that partnership at its principal office;
- (c) where the retail pharmacy business was carried on by a body corporate, to that body corporate at its registered or principal office.

#### **Conditional registration: Great Britain**

**74D.**—(1) The registrar may make the entry of premises entered in Part 3 of the register under section 74A subject to such conditions as the registrar considers it necessary to impose for the purpose of securing the safe and effective practice of pharmacy at those premises.

(2) The power under subsection (1)—

- (a) may be exercised on the making of the entry or subsequently (whether on a renewal of the entry or otherwise);
- (b) includes power to vary the conditions to which the entry of the premises in Part 3 of the register is subject, including by adding to the conditions or revoking any of them.

(3) Except as provided in subsection (4), the registrar may not under subsection (1)—

- (a) impose a new condition in respect of premises already entered in Part 3 of the register; or
- (b) vary or revoke any conditions to which the entry of premises entered in Part 3 of the register is subject,

unless the registrar has given reasonable notice in writing of the condition to be imposed or, as the case may be, of the variation or revocation of an existing condition, to the person carrying on the retail pharmacy business at the premises and of the date from which that condition, variation or revocation is to have effect.

(4) The registrar may, with immediate effect—

- (a) impose a new condition in respect of premises already entered in Part 3 of the register; or
- (b) vary or revoke any conditions to which the entry of premises entered in Part 3 of the register is subject,

if, in the registrar's opinion, the giving of reasonable notice as required by subsection (3) would prejudice the health, safety or well-being of members of the public.

(5) The registrar must give notice in writing of any decision under subsection (4) to the person carrying on a retail pharmacy business at the premises.

(6) The notice under subsection (5) must be sent—

- (a) where the retail pharmacy business is carried on by an individual, to that individual at that individual's home address in the register;
- (b) where the retail pharmacy business is carried on by a partnership, to that partnership at its principal office; or
- (c) where the retail pharmacy business is carried on by a body corporate, to that body corporate at its registered or principal office.

(7) Where premises are entered in the register because condition C in section 74B is met by virtue of subsection (4)(a)(ii) of that section, the registrar may, on making the entry of the premises in the register, also make that entry subject to a condition that the applicant for registration will be a person lawfully conducting a retail pharmacy business within such period as the registrar reasonably determines beginning with the date on which the entry is made.

#### **Supplementary provision in respect of conditional registration: Great Britain**

**74E.**—(1) Where the entry of premises entered in Part 3 of the register is subject to conditions imposed under section 74D(1), the person carrying on the business at the premises may apply to the registrar for any of the conditions imposed to be varied or revoked.

(2) The General Pharmaceutical Council may make rules in connection with applications under subsection (1).

(3) Rules under subsection (2) may, in particular, include provision—

- (a) about the form and manner in which applications are to be made (and the rules may provide that applicants must apply using application forms that are in such form as the General Pharmaceutical Council may determine from time to time);
- (b) about the information to be provided in respect of applications;
- (c) about the circumstances in which applications may be refused by the registrar;
- (d) about the giving of notice of the decision in respect of the application to the applicant by the registrar.

(4) The registrar may vary a condition imposed under section 74D(7) by extending the period within which the applicant for registration must become a person lawfully conducting a retail pharmacy business.

(5) Where premises are entered in the register subject to a condition imposed under subsection (7) of section 74D, the registrar may remove the entry if the applicant is not a person lawfully conducting a retail pharmacy business at the premises within the period determined by the registrar in accordance with that subsection or within such longer period as the registrar may, by virtue of subsection (4), allow.

(6) Where the registrar—

- (a) varies a condition under subsection (5); or

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(b) removes an entry of premises in Part 3 of the register under subsection (4), the registrar must send to the person who applied for registration a statement in writing giving that person notice of the decision and the reasons for it.

(7) The notice under subsection (6) must be sent—

- (a) where the person who applied for registration is an individual, to that individual at that individual's home address in the register;
- (b) where that person is a partnership, to that partnership at its principal office;
- (c) where that person is a body corporate, to that body corporate at its registered or principal office.

### **Giving of notice by registrar: Great Britain**

**74F.**—(1) Where, in pursuance of an application, the registrar enters premises in Part 3 of the register under section 74A, the registrar must give to the applicant a written confirmation of the entry.

(2) The written confirmation under subsection (1) must include—

- (a) the number of the entry;
- (b) the date on which the entry was made;
- (c) the period for which the entry is valid; and
- (d) details of any conditions to which the entry is subject by virtue of section 74D.

(3) Where, in pursuance of an application, the registrar renews the entry of premises in Part 3 of the register under section 74A, the registrar must give to the applicant a written confirmation of the renewal.

(4) The written confirmation under subsection (3) must include—

- (a) the number of the entry;
- (b) the date on which the renewal of the entry was made;
- (c) the period for which the renewal of the entry is valid; and
- (d) details of any conditions to which the renewal of the entry is subject by virtue of section 74D.

(5) Where the registrar refuses an application for the entry of premises in Part 3 of the register under section 74A, or for the renewal of an entry of premises in the register under that section, the registrar must give to the applicant written notice of that refusal and the reasons for it and of the right of appeal to the Appeals Committee under article 40 of the Pharmacy Order 2010.

(6) Where, under section 74J, the registrar enters premises or a group of premises in Part 3 of the register, the registrar must give written confirmation of the entry to the person who will be carrying on a retail pharmacy business at the premises, or at each set of premises in the group of premises.

(7) The written confirmation under subsection (6) must include—

- (a) the number of the entry;
- (b) the date on which the entry was made; and
- (c) details of any conditions to which the entry is subject by virtue of section 74J(4).

### **Voluntary removal from the register: Great Britain**

**74G.**—(1) An application may be made to the registrar by the person carrying on a retail pharmacy business at any premises entered in Part 3 of the register under section 74A or 74J for the premises to be removed from the register.

(2) The General Pharmaceutical Council may make rules in connection with applications under subsection (1).

(3) Rules under subsection (2) may, in particular, include provision—

- (a) about the form and manner in which applications are to be made (and the rules may provide that applicants must apply using application forms that are in such form as the Council may determine from time to time);
- (b) about the information to be provided by the applicant;
- (c) about the circumstances in which applications may be refused; and
- (d) for written notice of the outcome of the application to be given to the applicant by the registrar.

### **Change of ownership of retail pharmacy business: Great Britain**

**74H.**—(1) Subject to subsection (2), where a change occurs in the ownership of a retail pharmacy business carried on at premises entered in Part 3 of the register under section 74A, the entry of the premises in the register ceases to be valid at the end of the relevant period unless the registrar is notified in writing of the change prior to the end of the relevant period by the person who, as a result of the change, will be the person carrying on the business at the premises.

(2) Subsection (1) only applies if the relevant period is shorter than the period for which the entry would otherwise have remained valid under section 74A.

(3) Where, before the end of the relevant period, the registrar is notified of a change in the ownership of a retail pharmacy business carried on at premises entered in Part 3 of the register, the registrar must, on receipt of a fee of the amount prescribed in rules under article 36(1)(c) of the Pharmacy Order 2010, amend the entry relating to the premises in Part 3 of the Register to record the name and address of the person who, as a result of the change, will be the person carrying on the retail pharmacy business at the premises.

(4) For the purposes of subsections (1) to (3), the relevant period—

- (a) if the change occurs on the death of the person carrying on the business or, in the case of a partnership, on the death of one of the partners, means the period of three months beginning with the date of death; and
- (b) in any other case, means the period of 28 days beginning with the date on which the change occurred.

(5) If the entry of premises entered in Part 3 of the register under section 74A ceases to be valid under this section, the premises are to be treated for all purposes as no longer being entered in the register and accordingly the registrar must remove the entry from the register.

(6) The registrar must restore the entry of the premises to Part 3 of the register if—

- (a) an application for restoration is made to the registrar in accordance with section 74I(1) and with rules made under section 74I(3);
- (b) a fee of an amount prescribed in rules under article 36(1)(b) of the Pharmacy Order 2010 (fees in connection with entry) is paid; and

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- (c) the registrar is satisfied that the standards that are provided for in rules made under article 7(1) of the Pharmacy Order 2010 are met in connection with the carrying on of a retail pharmacy business at the premises.
- (7) Subject to subsection (8), an entry restored to the register under subsection (6)—
  - (a) is still to be treated as having been entered in Part 3 of the register under section 74A;
  - (b) is subject to the same conditions as those to which the entry was subject immediately before it was removed from Part 3 of the register by virtue of subsection (5);
  - (c) is valid for the same period as the period for which the entry would have been valid under section 74A had it not been removed from Part 3 of the register by virtue of subsection (5) of this section.
- (8) Where an entry of premises in Part 3 of the register is restored by the registrar under subsection (6) and the applicant is a person falling within section 74I(2)(b), the registrar may—
  - (a) on restoring the entry of the premises to the register, make that entry subject to a condition that the applicant for restoration will be a person lawfully conducting a retail pharmacy business within such period as the registrar reasonably determines beginning with the date on which the entry is restored; and
  - (b) subsequently remove the entry of the premises from Part 3 of the register if the applicant is not a person lawfully conducting a retail pharmacy business within the period determined by the registrar in accordance with paragraph (a).
- (9) Where under subsection (8)(b) the registrar removes an entry of premises from Part 3 of the register, the registrar must give to the person who was carrying on a retail pharmacy business at the premises immediately prior to the removal written notice of the removal and the reasons for it.
- (10) The notice under subsection (9) must be sent—
  - (a) where the retail pharmacy business is carried on by an individual, to that individual at that individual's home address in the register;
  - (b) where the retail pharmacy business is carried on by a partnership, to the principal office of that partnership;
  - (c) where the retail pharmacy business is carried on by a body corporate, to the registered or principal office of that body corporate.

**Supplementary provision in respect of change of ownership of retail pharmacy business: Great Britain**

- 74I.—**(1) An application may be made to the registrar for the entry of premises removed from Part 3 of the register by virtue of section 74H(5) to be restored to the register.
- (2) An application under subsection (1) must be made by the person who, in consequence of the change of ownership, has become the owner of the business and that person must be—
  - (a) a person who is lawfully conducting a retail pharmacy business; or
  - (b) a person who, if the entry of the premises is restored to Part 3 of the register and the person begins to carry on a retail pharmacy business at those premises, will, from the time the person begins to do so, be a person lawfully conducting a retail pharmacy business.
- (3) The General Pharmaceutical Council may make rules in connection with applications under subsection (1).
- (4) Rules under subsection (3) may, in particular, include provision—



- (a) about the form and manner in which applications are to be made (and the rules may provide that applicants must apply using application forms that are in such form as the Council may determine from time to time);
  - (b) about the information to be provided in respect of applications;
  - (c) about the circumstances in which an application for restoration under subsection (1) may be treated by the registrar as an application for the renewal of registration under section 74A(4) as well as an application for restoration.
- (5) Where the registrar restores the entry of premises to Part 3 of the register pursuant to an application under subsection (1), the registrar must send to the applicant for restoration a statement in writing giving the applicant notice of the restoration.
- (6) The notice given by the registrar under subsection (5) must specify—
- (a) the period for which the entry restored to Part 3 of the register is valid;
  - (b) any conditions to which the entry of the premises restored to Part 3 of the register is subject.
- (7) Where the registrar refuses an application under this section for the restoration to Part 3 of the register of an entry relating to any premises, the registrar must send to the applicant for restoration a statement in writing giving the applicant notice of the decision and the reasons for it.
- (8) The notice under subsections (5) and (7) must be sent—
- (a) where the applicant is an individual, to that individual at that individual's home address in the register;
  - (b) where the applicant is a partnership, to the principal office of that partnership;
  - (c) where the applicant is a body corporate, to the registered or principal office of that body corporate.

**Temporary registration with regard to emergencies involving loss of human life or human illness etc.**

**74J.**—(1) This section applies in relation to premises in Great Britain.

(2) If the Secretary of State advises the registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this section, the registrar may under this section enter in Part 3 of the register—

- (a) premises; or
- (b) premises comprising a specified group of premises,

with regard to the emergency.

(3) The registrar may enter in Part 3 of the register by virtue of subsection (2)(b) all of the premises in a specified group of premises without first identifying each set of premises in the group.

(4) The registrar may make the entry of premises entered in Part 3 of the register under this section subject to such conditions as the registrar considers necessary to impose for the purpose of securing the safe and effective practice of pharmacy at those premises.

(5) The power in subsection (4)—

- (a) may be exercised on the making of the entry or subsequently;
- (b) includes power to vary the conditions to which the entry of the premises in Part 3 of the register is subject, including by adding to the conditions or revoking any of them.

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

(6) The entry of premises entered in Part 3 of the register under this section by virtue of subsection (2)(b) as one of a specified group may be subject to the same conditions as the entry of the other premises in the group or it may be subject to different conditions.

(7) The conditions to which the entry of premises entered in Part 3 of the register under this section is subject may include conditions relating to their physical state, safety and security and the conditions in which medicinal products (including controlled drugs) are stored at those premises.

(8) The registrar may not under subsection (4)—

- (a) impose a new condition in respect of the entry of premises already entered in Part 3 of the register; or
- (b) vary or revoke any conditions to which the entry of premises entered in Part 3 of the register is subject,

unless the registrar has given reasonable notice in writing of the condition to be imposed or, as the case may be, of the variation or revocation of an existing condition, to the person carrying on a retail pharmacy business at the premises and of the date from which that condition, variation or revocation is to have effect.

(9) The entry of premises entered in Part 3 of the register under this section may be removed by the registrar, which—

- (a) the registrar must do if the Secretary of State advises the registrar that the circumstances that led the Secretary of State to advise the registrar as mentioned in subsection (2) no longer exist;
- (b) the registrar may do for any other reason at any time including where the registrar has grounds for suspecting that there is a failure to comply with any conditions to which the entry of the premises in Part 3 of the register is subject.

(10) The entry of premises entered in Part 3 of the register under this section by virtue of subsection (2)(b) as one of a specified group of premises may be removed without removing the entries of the other premises in the group, or it may be removed by virtue of a decision to remove the entries of all of the premises in the group.

(11) In this section, and in section 74K, “emergency” means an emergency of the type described in subsection (1)(a) of section 19 of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section.

**Temporary annotations with regard to emergencies involving loss of human life or human illness etc.**

**74K.—**(1) If the Secretary of State advises the registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this section, the registrar may annotate—

- (a) the entry of a registered pharmacy entered in Part 3 of the register under section 74J to designate that pharmacy as a pharmacy from which drugs, medicines and appliances may be ordered in a specified capacity; or
- (b) the entries of a specified group of registered pharmacies entered in Part 3 of the register under section 74J to designate that group as a group of pharmacies from which drugs, medicines and appliances may be ordered in a specified capacity.

(2) The registrar may make an annotation, by virtue of subsection (1), to the entry of a registered pharmacy entered in Part 3 of the register under section 74J in such a way as to distinguish that annotation from an annotation in respect of a registered pharmacy made otherwise than by virtue of subsection (1).

- (3) Annotations made by virtue of subsection (1)—
  - (a) must be removed by the registrar if the Secretary of State advises the registrar that the circumstances that led the Secretary of State to advise the registrar as mentioned in subsection (1) no longer exist;
  - (b) may be removed by the registrar for any other reason at any time.
- (4) An annotation of the entry of a registered pharmacy made by virtue of subsection (1)(b) as one of a specified group may be removed without removing the annotations of the entries of the other registered pharmacies in the group, or it may be removed by virtue of a decision to remove the annotations of the entries of all the registered pharmacies in the group.

### **Evidence of registration: Great Britain**

**74L.** A document purporting to be a certificate signed by the registrar and stating that, on a specified date, specified premises in Great Britain were, or were not, entered in Part 3 of the register (whether under section 74A or section 74J) is admissible in any proceedings as evidence (or in Scotland, as sufficient evidence) that those premises were, or were not, entered in the register on that date.”.

- (9) In section 75(11) (registration of premises)—
  - (a) in the heading, after “premises” insert “: Northern Ireland”;
  - (b) before subsection (1), insert—
    - “(A1) This section applies in relation to premises in Northern Ireland.”;
  - (c) in subsection (1), omit “(in this Part of this Act referred to as “the register”)”;
  - (d) in subsection (8), omit—
    - (i) paragraphs (a) and (b),
    - (ii) “and” at the end of paragraph (b), and
    - (iii) “in relation to premises in Northern Ireland,” in paragraph (c).
- (10) In section 76(12) (supplementary provisions as to the registration of premises)—
  - (a) in the heading, after “premises” insert “: Northern Ireland”;
  - (b) in subsection (1), after “entered in the register” insert “under section 75”;
  - (c) in subsection (2)—
    - (i) after “entered in the register” insert “under section 75”;
    - (ii) for “the Council” wherever those words occur, substitute “the appropriate Minister”;
    - (iii) in paragraph (b), for “direct” substitute “directs”;
  - (d) in subsection (7), insert “in Northern Ireland” after “specified premises”;
  - (e) omit subsection (8);
  - (f) for subsection (9), substitute—
    - “(9) In this section—
    - “the appropriate Minister” means the Minister of Health, Social Services and Public Safety for Northern Ireland;
    - “year” means a period of 12 months beginning with such date as the appropriate Minister may from time to time determine.”.

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(11) Section 75 was amended by [S.I.1968/1699](#).

(12) Section 76(4) was repealed by the Statute Law (Repeals) Act [1993 \(c.50\)](#).

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- (11) In section 77(13) (annual return of premises to the registrar)—
- (a) after “carries on a retail pharmacy business” insert “at premises in Northern Ireland”;
  - (b) in paragraph (a), before “premises” insert “such”.
- (12) In section 78(14) (restrictions on use of titles, descriptions and emblems), for subsection (5) substitute—
- “(5) A person who is not registered in the register of pharmaceutical chemists for Northern Ireland or in the register of visiting pharmaceutical chemists from a relevant European State made out and maintained under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976 may not—
- (a) take or use the title pharmaceutical chemist, pharmacist, member of the Pharmaceutical Society of Northern Ireland or Fellow of the Pharmaceutical Society of Northern Ireland; or
  - (b) take or use any of the titles mentioned in paragraph (a) in connection with a business carried on (whether by him or by some other person) at any premises which consists of or includes the retail sale of any goods, or the supply of any goods in circumstances corresponding to retail sale, unless those premises are a registered pharmacy or a hospital or health centre.
- (5A) A person who is not registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010 may not take or use the title pharmacist or fferyllydd (its equivalent in the Welsh language) in connection with a business carried on (whether by him or by some other person) at any premises which consists of or includes the retail sale of any goods, or the supply of any goods in circumstances corresponding to retail sale, unless those premises are a registered pharmacy or a hospital or health centre.
- (5B) Subsection (5) extends to Northern Ireland only; and subsection (5A) does not extend there.”.
- (13) In section 79(15) (provision for modifying or extending restrictions under section 78), in subsection (3), for “the Council” substitute “the General Pharmaceutical Council and the Council of the Pharmaceutical Society of Northern Ireland”.
- (14) In section 80(16) (power for relevant disciplinary committee to disqualify and direct removal from register)—
- (a) for subsection (1) substitute—
- “(1) Where a body corporate carries on a retail pharmacy business and—
- (a) that body is convicted of an offence under one of the relevant Acts;
  - (b) any member of the board or any officer of, or person employed by, that body is convicted of an offence, or has been guilty of misconduct, and the offence or misconduct is such as in the opinion of the relevant disciplinary committee renders him, or would if he were a pharmacist, render him unfit to be a pharmacist; or
  - (c) in respect of premises in Great Britain that are entered in the register as premises at which the body corporate carries on that business, there is a failure to meet the standards that are provided for in rules made under article 7(1) of the Pharmacy Order 2010 in connection with the carrying on of the business at those premises,

(13) Section 77 was amended by the Health Act 2006 (c.28), sections 30(2), 80(2) and Schedule 8.

(14) Section 78(5) was amended by the Statute Law (Repeals) Act 1993, Schedule 1, Part 12 and by S.I.2007/289.

(15) Section 79 was amended by S.I.2006/2407.

(16) Section 80(1) was amended by S.I.2007/289. Section 80(5) was amended by the Misuse of Drugs Act 1971 (c.38), section 12(7), and by S.I.1976/1213.

- then, subject to the following provisions of this Part of this Act, the relevant disciplinary committee, after inquiring into the case, may direct that the body corporate is to be disqualified for the purposes of this Part of this Act.”; and
- (b) in subsection (5), for the words from “the Pharmacy Act 1954” to “the Misuse of Drugs Act 1971” substitute “the Pharmacy Act 1954, this Act, the Misuse of Drugs Act 1971, the Pharmacy (Northern Ireland) Order 1976, the Pharmacists and Pharmacy Technicians Order 2007 and the Pharmacy Order 2010”.
- (15) In section 81(17) (grounds for disqualification in certain cases)—
- (a) for subsection (1) substitute—
- “**(1)** Unless the conditions specified in subsection (1A) are satisfied, the relevant disciplinary committee may not do any of the following—
- (a) give a direction under subsection (1) of section 80 of this Act—
- (i) in a case falling within paragraph (b) of that subsection, or
- (ii) in a case falling within paragraph (c) of that subsection, where the failure in question is by a member of the board or any officer of, or person employed by, the body in question; or
- (b) give a direction under subsection (4) of that section.
- (1A)** The conditions are that—
- (a) one or more of the facts specified in subsection (2) are proved to the satisfaction of the relevant disciplinary committee; and
- (b) the committee are of the opinion, having regard to those facts, that the board of the body corporate or, as the case may be, the representative, is to be regarded as responsible for the offence, misconduct or failure in question.”;
- (b) in subsection (2)—
- (i) for “The facts referred to in subsection (1)(a) of this section are” substitute “The facts referred to in subsection (1A)(a) of this section are”,
- (ii) in sub-paragraph (a), for “the offence or misconduct in question” substitute “the offence, misconduct or failure in question”,
- (iii) for sub-paragraph (b) substitute—
- “(b) that, in the case of a body corporate, a member of the board, or an officer of, or person employed by, the body corporate had, at some time within the twelve months immediately preceding the date on which the offence, misconduct or failure occurred, been guilty of a similar offence or failure or of similar misconduct and that the board had, or with the exercise of reasonable care would have had, knowledge of that previous offence, misconduct or failure;”, and
- (iv) in sub-paragraph (d), for “offence or misconduct in question is a continuing offence or continuing misconduct” substitute “offence, misconduct or failure in question is a continuing offence or failure or is continuing misconduct”.
- (16) After section 84 (offences under Part 4) insert the following section—

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(17) Section 81(1) was amended by [S.I.2007/289](#).

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

### “Rules by the General Pharmaceutical Council

**84A.**—(1) The General Pharmaceutical Council may make such provision as it considers appropriate in rules for any purpose for which rules are authorised or required to be made by it under Part 4 of this Act.

(2) Article 66 of the Pharmacy Order 2010 (rules) applies to the making of rules by the General Pharmaceutical Council under Part 4 of this Act as it applies to the making of rules by the General Pharmaceutical Council under Part 3 of that Order (registered pharmacies: standards in retail pharmacies).”.

(17) In section 108(**18**) (enforcement in England and Wales), in subsection (6)(c), for “sections 77 and 78” substitute “section 78”.

(18) In section 132(1)(**19**) (general interpretation provisions)—

- (a) in the definition of “Pharmaceutical Society”, for “the Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”; and
- (b) in the definition of “pharmacist”, for “a person registered in Part 1 or 3 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “a person registered as a pharmacist in the register maintained under article 19 of the Pharmacy Order 2010”.

(19) In section 136 (short title, extent and commencement), for subsection (2) substitute—

“(2) Except as provided by section 78(5B), this Act extends to Northern Ireland.”.

### Amendment of the Poisons Act 1972

**2.**—(1) The Poisons Act 1972(**20**) is amended as follows.

(2) In section 9 (inspection and enforcement)—

- (a) omit subsections (1) to (3);
- (b) in subsection (4)—
  - (i) for “the Society under this section” substitute “the General Pharmaceutical Council under article 8(1) of the Pharmacy Order 2010”,
  - (ii) for paragraph (a) substitute—
    - “(a) shall, for the purpose of securing compliance by pharmacists and persons carrying on a retail pharmacy business with the preceding provisions of this Act and with the Poisons Rules, have power at all reasonable times to enter any registered pharmacy, and”,
  - (iii) in paragraph (b)—
    - (aa) for “other persons” substitute “persons other than pharmacists and persons carrying on a retail pharmacy business”, and
    - (bb) omit “in either case”;
- (c) in subsection (5), omit from “; and an inspector” to the end of that subsection;
- (d) after subsection (5) insert—

(18) Section 108(6) was amended by the Animal Health and Welfare Act 1984 (c.40), Schedule 1, paragraph 3(4) and by S.I.2006/2407.

(19) The definition of “pharmacist” in section 132(1) was amended by S.I.1976/1213 and S.I.2007/289 and 3101 and by the European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 (S.R.2008/192).

(20) 1972 c.66. Section 9(1) to (4), and the definition of pharmacist in section 11(2), were amended by S.I.2007/289.

“(5A) A local authority may, with the consent of the General Pharmaceutical Council, appoint an inspector appointed by the General Pharmaceutical Council under article 8(1) of the Pharmacy Order 2010 to be also an inspector for the purposes of subsection (5).”.

(3) In section 11(2) (interpretation), for the definition of “pharmacist” substitute—

““pharmacist” means a person registered in Part 1 of the register maintained under article 19 of the Pharmacy Order 2010 (pharmacists other than visiting practitioners);”.

### **Amendment of the Race Relations Act 1976**

**3.** In Part 2 of Schedule 1A to the Race Relations Act 1976(**21**) (bodies and other persons subject to general statutory duty), under the heading “Regulatory, audit and inspection”—

(a) at the appropriate place insert “The General Pharmaceutical Council.”; and

(b) omit “The Royal Pharmaceutical Society of Great Britain, in respect of its statutory functions and the regulation of the pharmacy profession.”.

### **Amendment of the National Health Service (Scotland) Act 1978**

**4.**—(1) The National Health Service (Scotland) Act 1978(**22**) is amended as follows.

(2) In section 27(**23**) (arrangements for the provision of pharmaceutical services), in subsection (4)(ba), for “in the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland”, substitute “in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland”.

(3) In section 28(**24**) (persons authorised to provide pharmaceutical services), for subsection (2C) substitute—

“(2C) Where—

(a) arrangements have been made under this Part with a registered pharmacist; and

(b) the registration of that pharmacist is suspended by virtue of any direction or order under the Pharmacy Order 2010,

that pharmacist must not provide any services under those arrangements during the period of suspension.”.

(4) In section 108(**25**) (interpretation and construction), in subsection (1), for the definition of “registered pharmacist” substitute—

““registered pharmacist” means a person registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010;”.

### **Amendment of the Value Added Tax Act 1994**

**5.**—(1) The Value Added Tax Act 1994(**26**) is amended as follows.

(2) In Part 2 of Schedule 8 (zero rating – the Groups), in group 12, in item 1, for “the Register of Pharmacists maintained under the Pharmacists and Pharmacy Technicians Order 2007 or in the

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(21) 1976 c.74. Schedule 1A was inserted by [S.I.2001/3457](#).

(22) 1978 c.29.

(23) Section 27(4) was amended by [S.I.1987/2022](#).

(24) Section 28(2C) was inserted by [S.I.2007/289](#).

(25) There are no relevant amendments to section 108(1).

(26) 1994 c.23; item 1 in group 12 in Part 2 of Schedule 8 was amended by [S.I.1997/2744](#), [2006/1914](#) and [2007/289](#). Item 3 in group 7 in Part 2 of Schedule 9 was amended by [S.I.2007/206](#) and [289](#).

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register of pharmaceutical chemists kept under” substitute “the register maintained under article 19 of the Pharmacy Order 2010 or in the register of pharmaceutical chemists kept under”.

(3) In Part 2 of Schedule 9 (exemptions – the Groups), in group 7, in item 3, for “the Register of Pharmacists maintained under the Pharmacists and Pharmacy Technicians Order 2007 or in the register of pharmaceutical chemists kept under” substitute “the register maintained under article 19 of the Pharmacy Order 2010 or in the register of pharmaceutical chemists kept under”.

#### **Amendment of the Data Protection Act 1998**

6. In section 69(1)(d) of the Data Protection Act 1998(27) (meaning of “health professional”), for “a registered pharmacist or registered pharmacy technician within the meaning of the Pharmacists and Pharmacy Technicians Order 2007” substitute “a registered pharmacist or a registered pharmacy technician within the meaning of article 3(1) of the Pharmacy Order 2010”.

#### **Amendment of the Health Act 1999**

7. In section 60(2) of the Health Act 1999(28) (regulation of health care and associated professions) for “the Pharmacists and Pharmacy Technicians Order 2007” in paragraph (aa)(29) substitute “the Pharmacy Order 2010”.

#### **Amendment of the Regulation of Investigatory Powers Act 2000**

8. In Part 2 of Schedule 1 to the Regulation of Investigatory Powers Act 2000(30) (relevant authorities for the purposes only of section 28), for paragraph 28 and the heading preceding it substitute—

##### **“The General Pharmaceutical Council**

28. The General Pharmaceutical Council.”.

#### **Amendment of the Freedom of Information Act 2000**

9. In Part 6 of Schedule 1 to the Freedom of Information Act 2000(31) (public authorities for the purposes of that Act)—

- (a) at the appropriate place insert “The General Pharmaceutical Council.”; and
- (b) omit “The Royal Pharmaceutical Society of Great Britain, in respect of information held by it otherwise than as a tribunal.”.

#### **Amendment of the National Health Service Reform and Health Care Professions Act 2002**

10.—(1) The National Health Service Reform and Health Care Professions Act 2002(32) is amended as follows.

(27) 1998 c.29. Section 69(1) was amended by S.I.2002/253 and 254, 2003/1590, 2005/848 and 2007/289.

(28) 1999 c.8. Subsection (2) was amended by the Health and Social Care Act 2008 (c.14), sections 111, 166 and Schedule 8 and by S.I.2002/253 and 254.

(29) Paragraph (aa) of subsection (2) was inserted into section 60 by section 111 of, and Schedule 8 to, the Health and Social Care Act 2008.

(30) 2000 c.23.

(31) 2000 c.36. The words to be omitted by virtue of paragraph 9(b) of this Schedule were inserted by S.I.2005/3593.

(32) 2002 c.17



(2) In section 25(**33**) (the Council for Healthcare Regulatory Excellence), in subsection (3), for paragraph (f) substitute—

“(f) the General Pharmaceutical Council.”

(3) In section 26(**34**) (powers and duties of the Council: general), omit subsection (5).

(4) In section 29(**35**) (references of disciplinary cases by Council to court), for paragraph (a) of subsection (1) substitute—

“(a) a direction of the Fitness to Practise Committee of the General Pharmaceutical Council under article 54 of the Pharmacy Order 2010 (consideration by the Fitness to Practise Committee) or under section 80 of the Medicines Act 1968 (power to disqualify and direct removal from register).”

### **Amendment of the Income Tax (Earnings and Pensions) Act 2003**

**11.** In section 343 of the Income Tax (Earnings and Pensions) Act 2003(**36**) (deduction for professional membership fees), in the Table in subsection (2), in paragraph 1, for sub-paragraphs (l) and (m) substitute—

“(l) the register maintained under article 19 of the Pharmacy Order 2010 so far as relating to pharmacists or pharmacy technicians.”

### **Amendment of the Health Act 2006**

**12.** In the Health Act 2006(**37**)—

(a) in section 60 (Commission to exercise Privy Council’s appointment functions), omit subsection (2); and

(b) in Schedule 6 (the Appointments Commission: list of regulatory bodies), after “The General Osteopathic Council.” insert “The General Pharmaceutical Council.”

### **Amendment of the National Health Service Act 2006**

**13.—**(1) The National Health Service Act 2006(**38**) is amended as follows.

(2) In section 129(**39**) (regulations as to pharmaceutical services) in subsection (6)(c), for “in the Register” to “Switzerland” substitute “as a pharmacist in the Register maintained under article 19 of the Pharmacy Order 2010 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland”.

(3) In section 132(**40**) (persons authorised to provide pharmaceutical services), for paragraph (b) of subsection (8) substitute—

“(b) his registration is suspended by virtue of any direction or order under the Pharmacy Order 2010.”

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(33) The name of the Council was changed by section 113 of the Health and Social Care Act 2008 (c.14). The section heading to section 25 was substituted by paragraph 16 of Schedule 10 to that Act and other amendments to section 25 were made by paragraph 17 of that Schedule.

(34) Section 26(5) was amended by S.I.2007/289.

(35) Section 29(1) was amended by the Health and Social Care Act 2008, section 118(2) and by S.I.2002/3135, 2004/1771, 2005/848 and 2011 and 2007/289.

(36) 2003 c.1. The list of fees in paragraph 1 of the Table in section 343(2) was amended by the Health and Social Care Act 2008 (c.14), Schedule 15 and by S.I. 2005/2011, 2007/289 and 2008/836.

(37) 2006 c.28.

(38) 2006 c.41.

(39) Section 129(6)(c) was amended by S.I.2007/289.

(40) Section 132(8)(b) was substituted by S.I.2007/289.

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

(4) In section 275(41) (interpretation), in subsection (1), for the definition of “registered pharmacist” substitute—

““registered pharmacist” means a person registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010,”.

#### **Amendment of the National Health Service (Wales) Act 2006**

14.—(1) The National Health Service (Wales) Act 2006(42) is amended as follows.

(2) In section 83(43) (regulations as to pharmaceutical services), in subsection (6)(c), for “in the Register” to “Switzerland” substitute “as a pharmacist in the Register maintained under article 19 of the Pharmacy Order 2010 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland”.

(3) In section 86(44) (persons authorised to provide pharmaceutical services), for paragraph (b) of subsection (8) substitute—

“(b) his registration is suspended by virtue of any direction or order under the Pharmacy Order 2010,”.

(4) In section 206(45) (interpretation) in subsection (1), for the definition of “registered pharmacist” substitute—

““registered pharmacist” means a person registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010,”.

#### **Amendment of the Safeguarding Vulnerable Groups Act 2006**

15. In the table in section 41(7) of the Safeguarding Vulnerable Groups Act 2006(46) (registers: duty to refer)—

(a) for the second entry in column 1 under the heading “Relevant register” substitute—

“2. The register maintained under article 19 of the Pharmacy Order 2010”; and

(b) for the second entry in column 2 under the heading “Keeper of the register” substitute—

“The registrar appointed under article 18 of that Order.”.

#### **Amendment of the Protection of Vulnerable Groups (Scotland) Act 2007**

16. In the Protection of Vulnerable Groups (Scotland) Act 2007(47)—

(a) in section 8(2) (reference by certain other persons), for “The registrar of pharmaceutical chemists” substitute “The registrar of pharmacists”;

(b) in section 19(3) (information held by public bodies etc.), for “The registrar of pharmaceutical chemists” substitute “The registrar of pharmacists”;

(c) in section 97(1) (general interpretation) for the definition of “registrar of pharmaceutical chemists” substitute—

““registrar of pharmacists” means the registrar appointed under article 18 of the Pharmacy Order 2010,”; and

(41) The definition of “registered pharmacist” was substituted by [S.I.2007/289](#).

(42) [2006 c.42](#).

(43) Section 83(6)(c) was amended by [S.I.2007/289](#).

(44) Section 86(8)(b) was substituted by [S.I.2007/289](#).

(45) The definition of “registered pharmacist” in section 206(1) was substituted by [S.I.2007/289](#).

(46) [2006 c.47](#).

(47) [2007 asp. 14](#).

- (d) in Schedule 5 (index) in the left hand column, for “registrar of pharmaceutical chemists” substitute “registrar of pharmacists”.

## PART 2

### Secondary legislation

#### **Amendment of the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973**

17. The Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973(48) are hereby revoked.

#### **Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

18.—(1) In Part 4 of Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(49) (excepted professions, offices, employments, work and occupations: interpretation)—

- (a) for the definition of “registered pharmacist” substitute—

““registered pharmacist” means a person who is registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010;” and

- (b) for the definition of “registered pharmacy technician” substitute—

““registered pharmacy technician” means a person who is registered as a pharmacy technician in Part 2 or 5 of the register maintained under article 19 of the Pharmacy Order 2010;” and

(2) in Part 4 (interpretation)(50), for the definition of “registered pharmacy technician” substitute—

““registered pharmacy technician” means a person who is entered in the register maintained under article 19 of the Pharmacy Order 2010;”.

#### **Amendment of the Medicines (Bal Jivan Chamcho Prohibition) (No 2) Order 1977**

19. In regulation 2(3) of the Medicines (Bal Jivan Chamcho Prohibition) (No 2) Order 1977(51) (prohibition of sale, supply and importation of Bal Jivan Chamcho), for sub-paragraph (e) substitute—

- “(e) an inspector appointed by the General Pharmaceutical Council under article 8(1) of the Pharmacy Order 2010.”.

#### **Amendment of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980**

20.—(1) The Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980(52) are amended as follows.

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(48) [S.I.1973/1822](#); amended by [S.I.2007/3282](#), regulation 1.

(49) [S.I.1975/1023](#). The definitions of “registered pharmacist” and “registered pharmacy technician” were inserted by [S.I.2007/289](#).

(50) The definition of “registered pharmacy technician” was inserted by [S.I.2009/1182](#).

(51) [S.I.1977/670](#). Regulation 2(3) was amended by [S.I.1990/2487](#).

(52) [S.I.1980/1923](#).

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

(2) In regulation 1(2)(53) (citation, commencement and interpretation) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”.

(3) In regulation 2(3)(54) (enforcement) for “The Pharmaceutical Society shall continue to have power and be” substitute “The General Pharmaceutical Council has power and is”.

#### **Amendment of the Medicines (Pharmacy and General Sale – Exemption) Order 1980**

21. In regulation 1(2) of the Medicines (Pharmacy and General Sale – Exemption) Order 1980(55) (citation, commencement and interpretation), in paragraph (b) of the definition of “relevant register” for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”.

#### **Amendment of the Employment Agencies Act 1973 (Exemption) (No 2) Regulations 1984**

22. In the Schedule to the Employment Agencies Act 1973 (Exemption) (No 2) Regulations 1984(56) (exempt organisations)—

- (a) after “the Faculty of Actuaries in Scotland” insert “The General Pharmaceutical Council”; and
- (b) omit “The Pharmaceutical Society of Great Britain”.

#### **Amendment of the Medicines (Fixing of Fees Relating to Medicinal Products for Human Use) Order 1989**

23. Omit paragraph 9 of Schedule 1 and paragraph 1 of Schedule 2 to the Medicines (Fixing of Fees Relating to Medicinal Products for Human Use) Order 1989(57).

#### **Amendment of the National Health Service (Pharmaceutical Services) Regulations 1992**

24. In regulation 2(1) of the National Health Service (Pharmaceutical Services) Regulations 1992(58) (interpretation)—

- (a) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”, and
- (b) for paragraph (a)(ii) of the definition of “supplementary prescriber” substitute—
  - “(ii) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010,”.

(53) The definition of “relevant register” was inserted by [S.I.2003/698](#) and amended by [S.I.2004/1771](#), [2005/764](#) and [1520, 2006/914](#) and [2007/289](#).

(54) Regulation 2(3) was amended by [S.I.2005/2745](#).

(55) [S.I.1980/1924](#). The definition of “relevant register” was inserted by [S.I.2004/1](#) and amended by [S.I.2004/1771](#), [2005/766](#) and [1507, 2006/915](#) and [2007/289](#).

(56) [S.I.1984/978](#).

(57) [S.I.1989/684](#). Paragraph 1 of Schedule 2 was amended by [S.I.2005/2754](#).

(58) [S.I.1992/662](#). These Regulations have been revoked in relation to England and now apply only to Wales (see [S.I.2005/641](#)). The definition of “relevant register” was inserted by [S.I.2007/205](#) and amended by [S.I.2007/289](#). The definition of “supplementary prescriber” was inserted by [S.I.2003/2624](#), substituted by [S.I.2007/205](#) and amended by [S.I.2007/289](#).

### **Amendment of the National Health Service (Service Committees and Tribunal) Regulations 1992**

25. In regulation 37(4)(d) of the National Health Service (Service Committees and Tribunal) Regulations 1992(59) (referral of matters to professional bodies), for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

### **Amendment of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994**

26. In regulation 1(2) of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994(60) (citation, commencement and interpretation), in paragraph (b) of the definition of “relevant register” for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”, substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”.

### **Amendment of the Prescription Only Medicines (Human Use) Order 1997**

27. In article 1(2) of the Prescription Only Medicines (Human Use) Order 1997(61) (citation, commencement and interpretation), in paragraph (b) of the definition of “relevant register” for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”.

### **Amendment of the Building Societies (Business Names) Regulations 1998**

28. In the Schedule to the Building Societies (Business Names) Regulations 1998(62) (specification of words, expressions and relevant bodies), in Column (2) of the entry for “apothecary”, for “Worshipful Society of Apothecaries of London or Pharmaceutical Society of Great Britain” substitute “Worshipful Society of Apothecaries of London or General Pharmaceutical Council”.

### **Amendment of the Feeding Stuffs (Enforcement) Regulations 1999**

29. In regulation 2(1) of the Feeding Stuffs (Enforcement) Regulations 1999(63) (interpretation), in paragraph (a)(i) of the definition of “the competent authority”, for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

### **Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 2000**

30. In regulation 2(1) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000(64) (interpretation)—

- (a) in paragraph (a) of the definition of “pharmacist independent prescriber”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians

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(59) [S.I.1992/664](#). Regulation 37 was substituted by [S.I.1996/703](#).

(60) [S.I.1994/3144](#). The definition of “relevant register” was inserted by [S.I.2005/768](#) and amended by [S.I.2005/1520](#), [2006/914](#) and [2007/289](#).

(61) [S.I.1997/1830](#). The definition of “relevant register” was inserted by [S.I.2003/696](#) and amended by [S.I.2004/1711](#), [2005/765](#) and [1507](#), [2006/915](#) and [2007/289](#).

(62) [S.I.1998/3186](#).

(63) [S.I.1999/2325](#). These Regulations were revoked in relation to England by [S.I.2005/280](#) and in relation to Wales by [S.I.2005/3368](#). They were revoked in relation to Scotland by [S.I.2005/608](#), except for certain purposes.

(64) [S.I.2000/620](#). The definition of “pharmacist independent prescriber” was inserted by [S.I. 2006/913](#) and amended by [S.I.2007/289](#). The definition of “supplementary prescriber” was inserted by [S.I.2003/699](#), substituted by [S.I.2005/578](#) and [2006/913](#), and amended by [S.I.2007/289](#).

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

Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”; and

- (b) for paragraph (a)(ii) of the definition of “supplementary prescriber” substitute—  
“Part 1 of the register maintained under article 19 of the Pharmacy Order 2010;”.

#### **Amendment of the Representation of the People (England and Wales) Regulations 2001**

**31.** In regulation 53(2) of the Representation of the People (England and Wales) Regulations 2001(**65**) (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or any other disability), for sub-paragraph (e) substitute—

- “(e) a registered pharmacist as defined by article 3(1) of the Pharmacy Order 2010;”.

#### **Amendment of the Representation of the People (Scotland) Regulations 2001**

**32.** In regulation 53(2) of the Representation of the People (Scotland) Regulations 2001(**66**) (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or any other disability), for sub-paragraph (e) substitute—

- “(e) a registered pharmacist as defined by article 3(1) of the Pharmacy Order 2010;”.

#### **Amendment of the Family Health Services Appeal Authority (Procedure) Rules 2001**

**33.** In regulation 2(1) of the Family Health Services Appeal Authority (Procedure) Rules 2001(**67**) (interpretation), in the definition of “appropriate professional registration body”, for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

#### **Amendment of the Misuse of Drugs Regulations 2001**

**34.**—(1) The Misuse of Drugs Regulations 2001(**68**) are amended as follows.

(2) In regulation 8(2)(**69**) (production and supply of drugs in Schedules 2 and 5), in sub-paragraph (j), for “a person authorised by the Royal Pharmaceutical Society of Great Britain” substitute “a person authorised by the General Pharmaceutical Council”.

(3) In regulation 9(2)(**70**) (production and supply of drugs in Schedules 3 and 4), in sub-paragraph (h), for “a person authorised by the Royal Pharmaceutical Society of Great Britain” substitute “a person authorised by the General Pharmaceutical Council”.

#### **Amendment of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002**

**35.** In regulation 3(3) of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002(**71**) (membership of the Committee), in sub-paragraph (e), for “pharmacist registered in Part 1 of one of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “pharmacist registered in Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”.

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(65) [S.I.2001/341](#). Regulation 53(2) was substituted by [S.I.2006/2910](#). Sub-paragraph (e) was substituted by [S.I.2009/1182](#).

(66) [S.I.2001/497](#). Regulation 53(2) was substituted by [S.I.2007/925](#). Sub-paragraph (e) was substituted by [S.I.2009/1182](#).

(67) [S.I.2001/3750](#).

(68) [S.I.2001/3998](#).

(69) Regulation 8(2) was amended by [S.I.2005/271](#) and [2007/2154](#).

(70) Regulation 9(2) was amended by [S.I.2005/271](#).

(71) [S.S.I.2002/190](#). Regulation 3(3)(e) was amended by [S.I.2007/289](#).

### **Amendment of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002**

36. In regulation 14 of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(72) (enforcement)—

- (a) in paragraph (4), for “the Royal Pharmaceutical Society” substitute “the General Pharmaceutical Council”; and
- (b) in paragraph (6), for “the Royal Pharmaceutical Society” substitute “the General Pharmaceutical Council”.

### **Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003**

37. In Part 4 of Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(73) (excepted professions, offices, employments and occupations: interpretation)—

- (a) for the definition of “registered pharmacist” substitute—  
““registered pharmacist” means a person who is registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010;”;
- (b) for the definition of “registered pharmacy technician” substitute—  
““registered pharmacy technician” means a person who is registered in Part 2 or 5 of the register maintained under article 19 of the Pharmacy Order 2010;”.

### **Amendment of the Medicines (Child Safety) Regulations 2003**

38. In regulation 1(2) of the Medicines (Child Safety) Regulations 2003(74), (citation, commencement and interpretation), in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”.

### **Amendment of the National Health Service (Tribunal) (Scotland) Regulations 2004**

39. In regulation 2(1) of the National Health Service (Tribunal) (Scotland) Regulations 2004(75) (interpretation and forms)—

- (a) for the definition of “pharmacist” substitute—  
““pharmacist” means a registered pharmacist within the meaning of article 3(1) of the Pharmacy Order 2010;”;
- (b) for paragraph (d) of the definition of “relevant professional body” substitute—  
“(d) in relation to a practitioner who is a pharmacist, the General Pharmaceutical Council;”.

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(72) [S.I.2002/1689](#).

(73) [S.S.I.2003/231](#). The definition of “registered pharmacist” was inserted by [S.I.2007/289](#) and the definition of “registered pharmacy technician” was inserted by [S.I.2009/1182](#).

(74) [S.I.2003/2317](#). The definition of “relevant register” was amended by [S.I.2004/1771](#), [2005/1520](#), [2006/914](#) and [2007/289](#).

(75) [S.S.I.2004/38](#).



**Amendment of the National Health Service (General Medical Services Contracts) Regulations 2004**

**40.** In regulation 2(1) of the National Health Service (General Medical Services Contracts) Regulations 2004(76) (interpretation)—

- (a) in paragraph (b) of the definition of “pharmacist independent prescriber”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”;
- (b) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”; and
- (c) for paragraph (b)(ii) of the definition of “supplementary prescriber” substitute—
  - “(ii) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010,”.

**Amendment of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

**41.** In regulation 2(1) of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(77) (interpretation)—

- (a) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”; and
- (b) for paragraph (b)(ii) of the definition of “supplementary prescriber” substitute—
  - “(ii) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010, or”.

**Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2004**

**42.** In regulation 2(1) of the National Health Service (Personal Medical Services Agreements) Regulations 2004(78) (interpretation)—

- (a) in paragraph (b) of the definition of “pharmacist independent prescriber”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”;
- (b) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”; and
- (c) for paragraph (b)(ii) of the definition of “supplementary prescriber” substitute—
  - “(ii) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010,”.

(76) [S.I.2004/291](#). The definition of “pharmacist independent prescriber” was inserted by [S.I.2006/1501](#) and amended by [S.I.2007/289](#); the definition of “relevant register” was amended by [S.I.2007/289](#); and the definition of “supplementary prescriber” was amended by [S.I.2005/893](#) and [3315, 2006/1501](#) and [2007/289](#).

(77) [S.I.2004/478](#). The definition of “relevant register” was amended by [S.I.2007/205](#) and [289](#) and the definition of “supplementary prescriber” was amended by [S.I.2006/358](#) and [2007/289](#).

(78) [S.I.2004/627](#). The definition of “pharmacist independent prescriber” was inserted by [S.I.2006/1501](#) and amended by [S.I.2007/289](#); the definition of “relevant register” was amended by [S.I.2007/289](#); and the definition of “supplementary prescriber” was amended by [S.I.2005/893](#) and [3315, 2006/1501](#) and [2007/289](#).



#### **Amendment of the Medicines for Human Use (Clinical Trials) Regulations 2004**

**43.** In regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004(**79**) (interpretation), for paragraph (a) of the definition of “pharmacist” substitute—

- “(a) in relation to Great Britain, a person registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010, and”.

#### **Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004**

**44.** In regulation 2(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(**80**) (interpretation)—

- (a) in paragraph (a) of the definition of “pharmacist independent prescriber”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”;
- (b) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”;
- and
- (c) for paragraph (b) of the definition of “supplementary prescriber”, substitute—
- “(b) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010, or”.

#### **Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004**

**45.** In regulation 2(1) of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(**81**) (interpretation)—

- (a) in paragraph (a) of the definition of “pharmacist independent prescriber”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”;
- (b) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”;
- and
- (c) for paragraph (b) of the definition of “supplementary prescriber”, substitute—
- “(b) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010.”.

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(79) [S.I.2004/1031](#). The definition of “Pharmacist” in regulation 2(1) was amended by [S.I.2007/289](#) and [3101](#) and by the European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008 ([S.R.2008/192](#)).

(80) [S.S.I.2004/115](#). The definition of “pharmacist independent prescriber” was inserted by [S.S.I.2007/501](#); the definition of “relevant register” was amended by [S.I.2007/289](#); and the definition of “supplementary prescriber” was amended by [S.S.I.2006/247](#) and by [S.I.2007/289](#).

(81) [S.S.I.2004/116](#). The definition of “pharmacist independent prescriber” was inserted by [S.S.I.2007/502](#); the definition of “relevant register” was amended by [S.I.2007/289](#) and the definition of “supplementary prescriber” was amended by [S.S.I.2006/248](#) and by [S.I.2007/289](#).

**Amendment of the Regulation of Care (Social Service Workers) (Scotland) Order 2005**

46. In article 3(1) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005(82) (excluded persons), for sub-paragraph (l) substitute—

“(l) the General Pharmaceutical Council.”.

**Amendment of the National Health Service (Pharmaceutical Services) Regulations 2005**

47.—(1) The National Health Service (Pharmaceutical Services) Regulations 2005(83) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in paragraph (b) of the definition of “pharmacist independent prescriber”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”;

(b) in paragraph (b) of the definition of “relevant register”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”; and

(c) for paragraph (a)(ii) of the definition of “supplementary prescriber”, substitute—

“(ii) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010,”.

(3) In regulation 28(2) (notification by Primary Care Trusts to other persons), in sub-paragraph (f), for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

**Amendment of the Medicines for Human Use (Prescribing) Order 2005**

48. In article 1(4) of the Medicines for Human Use (Prescribing) Order 2005(84) (citation, commencement, extent and interpretation), in paragraph (b) of the definition of “relevant register” for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”.

**Amendment of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005**

49. In article 5(3)(c) of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005(85) (disclosure for medical purposes), for “a pharmacist or pharmacy technician registered in Part 1 or 3 of one of the registers maintained under articles 10(1) and 21(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “a pharmacist or a pharmacy technician registered in Part 1, 2, 4 or 5 of the register maintained under article 19 of the Pharmacy Order 2010”.

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(82) [S.I.2005/318](#).

(83) [S.I.2005/641](#). In regulation 2(1), the definition of “pharmacist independent prescriber” was inserted by [S.I.2006/913](#) and amended by [S.I.2006/3373](#) and [2007/289](#); the definition of “relevant register” was amended by [S.I.2007/289](#); and the definition of “supplementary prescriber” was substituted by [S.I.2006/913](#) and amended by [S.I.2007/289](#). Regulation 28(2) was amended by [S.I.2006/552](#).

(84) [S.I.2005/765](#). The definition of “relevant register” was amended by [S.I.2005/1507](#) and [2007/289](#).

(85) [S.I.2005/916](#). Article 5(3)(c) was amended by [S.I.2007/289](#) and [3101](#).

### **Amendment of the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005**

**50.** In Schedule 1 to the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005(**86**) (exemptions and exceptions from the provisions of regulation 4), in paragraph (b) of the definition of “relevant register” in paragraph 1, for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “the register maintained under article 19 of the Pharmacy Order 2010”.

### **Amendment of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005**

**51.** In article 5(2)(b)(iii) of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005(**87**) (disclosure for medical purposes), for “a pharmacist or pharmacy technician registered in Part 1 or 3 of one of the registers maintained under article 10(1) and 21(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “a pharmacist registered in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010 or a pharmacy technician registered in Part 2 or 5 of that register”.

### **Amendment of the National Health Service (Discipline Committees) (Scotland) Regulations 2006**

**52.** In regulation 4(6) of the National Health Service (Discipline Committees) (Scotland) Regulations 2006(**88**) (provisions relating to the start of disciplinary proceedings), for subparagraph (iv) of the definition of “relevant professional body” substitute—

“(iv) in relation to a pharmacist, the General Pharmaceutical Council;”.

### **Amendment of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006**

**53.** In regulation 16 of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(**89**) (sharing of information received), in each of paragraphs (2)(c) and (3), for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

### **Amendment of the Controlled Drugs (Supervision of Management and Use) Regulations 2006**

**54.**—(1) The Controlled Drugs (Supervision of Management and Use) Regulations 2006(**90**) are amended as follows.

(2) In regulation 2(1)(**91**) (interpretation), for the definition of “registered pharmacist” substitute—

““registered pharmacist” means a person registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010;”.

(3) In regulation 12(4) (powers to require declarations and self assessments) for “The Royal Pharmaceutical Society of Great Britain” substitute “The General Pharmaceutical Council”.

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(86) [S.I.2005/2750](#). The definition of “relevant register” was amended by [S.I.2006/914](#).

(87) [S.S.I.2005/125](#). Article 5(2)(b)(iii) was amended by [S.I.2007/289](#) and [3101](#) and by [S.I.2009/1182](#).

(88) [S.S.I.2006/330](#).

(89) [S.I.2006/552](#).

(90) [S.I.2006/3148](#).

(91) The definition of “registered pharmacist” was substituted by [S.I.2007/3101](#).

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

(4) In regulation 19(1)(b)(iii)(92) (periodic inspections), for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

(5) In regulation 21(b) (inspections of private dwellings not requiring the presence of a constable), for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

#### **Amendment of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007**

55. In regulation 2(1) of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(93) (interpretation), for paragraph (b) of the definition of “relevant register” (“cofrestr berthnasol”) substitute—

“(b) in relation to a pharmacist, the register maintained under article 19 of the Pharmacy Order 2010 or the register maintained under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976.”.

#### **Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007**

56. Yn rheoliad 2(1) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007(94) (dehongli), yn lle paragraff (b) yn y diffiniad o “cofrestr berthnasol” (“relevant register”) rhodder—

“(b) mewn perthynas â fferyllydd, y gofrestr a gedwir o dan erthygl 19 o Orchymyn Fferylliaeth 2010 neu'r gofrestr a gedwir o dan erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976.”.

#### **Amendment of the National Assembly for Wales (Representation of the People) Order 2007**

57. In paragraph 4(2) of Schedule 1 to the National Assembly for Wales (Representation of the People) Order 2007(95) (additional requirements for applications on grounds of blindness or other disability), for paragraph (e) substitute—

“(e) a registered pharmacist as defined by article 3(1) of the Pharmacy Order 2010;”.

#### **Revocation of the Pharmacists and Pharmacy Technicians Order 2007**

58. The Pharmacists and Pharmacy Technicians Order 2007(96) is hereby revoked subject to the savings made in Schedule 5 to this Order.

#### **Amendment of the Licensing (Relevant Offences) (Scotland) Regulations 2007**

59. In paragraph 3 of Part 2 of the Schedule to the Licensing (Relevant Offences) (Scotland) Regulations 2007(97) (other statutory offences), for “An offence under the Pharmacy Act 1954” substitute “An offence under article 38 of the Pharmacy Order 2010”.

(92) Regulation 19(b)(i) is amended by the Health and Social Care Act (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Savings Provisions) Order 2009 (S.I.2009/462).

(93) S.I.2007/121 (W.11).

(94) O.S.2007/121 (Cy.11).

(95) S.I.2007/236. Paragraph (e) was substituted by S.I.2009/1182.

(96) S.I.2007/289.

(97) S.S.I.2007/513.

### **Amendment of the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007**

60. In Column 1 of the Schedule to the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007(98), for “The Royal Pharmaceutical Society of Great Britain” substitute “The General Pharmaceutical Council”.

### **Amendment of the Scottish Parliament (Elections etc.) Order 2007**

61. In paragraph 3(2) of Schedule 3 to the Scottish Parliament (Elections etc.) Order 2007(99) (additional requirements for applications on grounds of disability), for paragraph (e) substitute—  
“(e) a registered pharmacist as defined by article 3(1) of the Pharmacy Order 2010;”.

### **Amendment of the European Communities (Recognition of Professional Qualifications) Regulations 2007**

62. In the European Communities (Recognition of Professional Qualifications) Regulations 2007(100) (sectoral professions)—

- (a) in Part 1 of Schedule 1 (regulated professions), in the right hand column under the heading “Competent authority”, for “Royal Pharmaceutical Society of Great Britain” substitute “General Pharmaceutical Council”; and
- (b) in Part 4 of Schedule 1 (regulated professions), in the right hand column under the heading “Competent authority”, for “Royal Pharmaceutical Society of Great Britain” substitute “General Pharmaceutical Council”.

### **Amendment of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008**

63. In regulation 2(1) of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008(101) (interpretation)—

- (a) in paragraph (a) of the definition of “pharmacist independent prescriber”, for “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “Part 1 of the register maintained under article 19 of the Pharmacy Order 2010”; and
- (b) for paragraph (b) of the definition of “supplementary prescriber” substitute—  
“(b) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010;”.

### **Amendment of the Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008**

64. In regulation 5(3) of the Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008(102), in sub-paragraph (a) for “a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852 and maintained in pursuance of regulation 10 of the Pharmacists and Pharmacy Technicians Order 2007” substitute “a person registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010”.

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(98) [S.I.2007/934](#).

(99) [S.I.2007/937](#). Paragraph (e) was substituted by [S.I.2009/1182](#).

(100) [S.I.2007/2781](#); as amended by [S.I.2009/1182](#).

(101) [S.S.I.2008/27](#).

(102) [S.I.2008/295](#).

**Amendment of the Cosmetic Products (Safety) Regulations 2008**

65. In regulation 18(1) of the Cosmetic Products (Safety) Regulations 2008(103) (qualified persons), in sub-paragraph (a) for “article 11(1)(a)(i) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “article 20(1)(a)(i) of the Pharmacy Order 2010”.

**Amendment of the Medicines (Pharmacies) (Responsible Pharmacist) Regulations 2008**

66. In regulation 5(1) of the Medicines (Pharmacies) (Responsible Pharmacist) Regulations 2008(104) (the pharmacy record), in sub-paragraph (b) for “the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “the register maintained under article 19 of the Pharmacy Order 2010”.

**Amendment of the Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008**

67. In regulation 2(2) of the Council for Healthcare Regulatory Excellence (Appointment, Procedure etc.) Regulations 2008(105) (conditions of appointment for chair and non-executive members of the Council), for sub-paragraph (j)(viii) substitute—

“(viii) Pharmacy Order 2010, and”.

**Amendment of the Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008**

68. In regulation 2 of the Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008(106) (interpretation)—

(a) for the definition of “registered pharmacist” (*fferyllydd cofrestredig*) substitute—

““registered pharmacist” (*fferyllydd cofrestredig*) means a person registered as a pharmacist in Part 1 or 4 of the register maintained by the General Pharmaceutical Council under article 19 of the Pharmacy Order 2010;” and

(b) for the definition of “registered pharmacy” (*fferyllfa gofrestredig*) substitute—

““registered pharmacy” (*fferyllfa gofrestredig*) means a retail pharmacy business in Wales that is for the time being entered in Part 3 of the register maintained by the General Pharmaceutical Council under article 19 of the Pharmacy Order 2010 (registration of premises);”.

**Diwygio Rheoliadau Cyffuriau a Reolir (Goruchwylio Rheolaeth a Defnydd) (Cymru) 2008**

69. Yn rheoliad 2 o Reoliadau Cyffuriau a Reolir (Goruchwylio Rheolaeth a Defnydd) (Cymru) 2008(107) (dehongli)—

(a) yn lle'r diffiniad o “fferyllydd cofrestredig” (“registered pharmacist”) rhodder—

“(a) ystyr “fferyllydd cofrestredig” (*registered pharmacist*) yw person sydd wedi'i gofrestru'n fferyllydd yn Rhan 1 neu 4 o'r gofrestr a gedwir gan y Cyngor Fferyllol Cyffredinol o dan erthygl 19 o Orchymyn Fferylliaeth 2010;” a

(b) yn lle'r diffiniad o “fferyllfa gofrestredig” (“registered pharmacy”) rhodder—

(103) S.I.2008/1284.

(104) S.I.2008/2789.

(105) S.I.2008/2927.

(106) S.I.2008/3239 (W.286).

(107) O.S.2008/3239 (Cy.286).

- (c) ystyr “fferyllfa gofrestredig” (“*registered pharmacy*”) yw busnes manwerthu fferyllol yng Nghymru sydd am y tro wedi’i gofnodi yn Rhan 3 o’r gofrestr a gedwir gan y Cyngor Fferyllol Cyffredinol o dan erthygl 19 o Orchymyn Fferylliaeth 2010 (cofrestru mangroedd);”.

### **Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

**70.** In regulation 2(1) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(**108**) (interpretation and application)—

- (a) in the definition of “pharmacist”, for “a person who is registered in Part 1 or 3 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007” substitute “a person who is registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010”; and

- (b) for paragraph (b) of the definition of “supplementary prescriber” substitute—

“(b) Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010;”.

### **Amendment of the Veterinary Medicines Regulations 2009**

**71.** In regulation 36 of the Veterinary Medicines Regulations 2009(**109**) (inspection of pharmacies), for “the Royal Pharmaceutical Society of Great Britain” substitute “the General Pharmaceutical Council”.

## SCHEDULE 5

Article 69(1)

### Transitional Provisions

#### **Interpretation**

**1.** In this Schedule—

“the 1968 Act” means the Medicines Act 1968(**110**);

“the 2007 registers” means—

- (a) Parts 1 and 3 of the register maintained under article 10 of the 2007 Order;

- (b) Parts 1 and 3 of the register maintained under article 21 of that Order; and

“the premises register” means the register of premises in Great Britain kept under section 75 of the 1968 Act as that section has effect immediately before the amendments made to that section by paragraph 1(8) of Schedule 4 come into force.

#### **Members of committees**

**2.—(1)** Members of the committees referred to in article 7(1)(b) and (d) of the 2007 Order immediately before the appointed day are to be treated as having been appointed to the Fitness to Practise Committee in accordance with rules under paragraph 5 of Schedule 1.

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(108) S.I.2009/183.

(109) S.I.2009/2297.

(110) 1968 c.67.



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(2) Members of the committee referred to in article 7(1)(e) of the 2007 Order immediately before the appointed day are to be treated as having been appointed to the Investigating Committee in accordance with rules under paragraph 5 of Schedule 1.

(3) Members of the committee referred to in article 7(1)(f) of the 2007 Order immediately before the appointed day are to be treated as having been appointed to the Appeals Committee in accordance with rules under paragraph 5 of Schedule 1.

(4) In this paragraph, “the appointed day” means the day appointed for the coming into force of article 4(6).

### **Transfer of information to the Register**

**3.—**(1) The Society and the Council must enter into arrangements to facilitate the introduction of arrangements for the entry of pharmacists, pharmacy technicians and premises in the Register by the Council by virtue of this Order.

(2) The arrangements entered into under sub-paragraph (1) are to include arrangements to ensure that all the names of persons entered in the 2007 registers and all premises entered in the premises register which are to be entered in the Register with effect from the appointed day are so entered.

(3) If, immediately before the appointed, day a person’s name is included in the 2007 registers, the Registrar must enter that name in the part of the Register in which it is appropriate for that person’s name to be included, with effect from the appointed day.

(4) If, immediately before the appointed day, premises are included in the premises register, the Registrar must enter those premises in Part 3 of the Register with effect from the appointed day.

(5) Where the home address of a person entered in the 2007 registers appears in those registers and the entry for that person is transferred to the Register, the home address of that person must not be published in the Register without the consent of that person.

(6) Entries made in the Register pursuant to sub-paragraph (3) are, for the purposes of article 25, to be treated as having been made on 1 January 2010 pursuant to an application under article 23.

(7) Entries made in Part 3 of the Register pursuant to sub-paragraph (4) are, for the purposes of section 74A of the 1968 Act as inserted by paragraph 1(8) of Schedule 4, to be treated as having been made on 1 January 2010 pursuant to subsection (2) of that section.

(8) In this paragraph and in paragraphs 4 and 5, “the appointed day” means the day appointed by order for the coming into force of article 19.

### **The register**

**4.—**(1) Where immediately before the appointed day there are outstanding applications for—

- (a) entry in the 2007 registers or the premises register;
- (b) retention in those registers;
- (c) the recording of annotations in the 2007 registers; and
- (d) any entry in the 2007 registers or in the premises register to be altered, removed or restored,

the Council must dispose of the applications in accordance with sub-paragraph (2).

(2) The applications must be disposed of in accordance with—

- (a) in the case of the 2007 registers, the relevant provisions of the 2007 Order as if those provisions remained in force;
- (b) in the case of the premises register, sections 75 and 76 of the 1968 Act as in force immediately before the amendments to that Act in Schedule 4 have effect; or
- (c) in either case, in such other manner as the Council considers just.



(3) The Council may direct the Registrar to make such amendments (if any) of the Register as are necessary in consequence of the disposal of the applications referred to in sub-paragraph (1).

### **Appealable registration decisions**

**5.—**(1) Proceedings in respect of an appealable registration decision within the meaning of article 42 of the 2007 Order which, immediately before the appointed day—

- (a) are pending before the Registration Appeals Committee by virtue of article 43 of the 2007 Order; or
- (b) have begun but in respect of which that committee has not communicated its decision to the person who is the subject of the proceedings,

must be referred to the Appeals Committee established under article 4(6)(c).

(2) Proceedings referred to in sub-paragraph (1) must be disposed of by that committee—

- (a) in accordance with the relevant provisions of the 2007 Order as if those provisions remained in force; or
- (b) in such other manner as it considers just.

**6.—**(1) The revocation of article 44 of the 2007 Order (appeals from the Registration Appeals Committee) does not affect the application of that article—

- (a) in relation to any appeal that is pending before the relevant court immediately before the appointed day; or
- (b) in any case where, immediately before the appointed day, the period of 28 days within which an appeal could be brought in respect of a decision of the Registration Appeals Committee has not expired.

(2) Article 44 of the 2007 Order also applies in relation to any decision of the Appeals Committee established under article 4(6)(c) of this Order that is made by virtue of paragraph 5; and in its application by virtue of this sub-paragraph any reference in article 44 of the 2007 Order to the Registration Appeals Committee is to be read as a reference to the Appeals Committee.

(3) In this paragraph, “the appointed day” means the day appointed for the coming into force of Part 6.

### **Transitional arrangements: pharmacy technicians**

**7.—**(1) This paragraph applies to a person (“P”) who, for the purpose of article 20(1)(a)(i), is not appropriately qualified within the meaning of article 22 but who, no later than 30 June 2011, applies to be entered in Part 2 of the Register.

(2) The Registrar may enter P’s name in Part 2 of the Register where P has—

- (a) undergone education and training which, in the opinion of the Registrar, has provided P with a reasonable foundation for future employment as a pharmacy technician; and
- (b) demonstrated to the satisfaction of the Registrar that P possesses the requisite knowledge, skill and experience for being entered in the Register as a pharmacy technician in Great Britain,

provided that, in so doing, the Registrar is acting in a manner which is consistent with the requirements of the Directive and the General Systems Regulations.

(3) The Council must establish and publish from time to time in such manner as it sees fit criteria to which the Registrar is to have regard for the purpose of determining—

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- (a) whether or not, for the purposes of sub-paragraph (2)(a), a particular course of education or training provides, or would provide, a person with a reasonable foundation for future employment as a pharmacy technician; and
  - (b) whether or not, for the purposes of sub-paragraph (2)(b), a person possesses the requisite knowledge, skill and experience for being entered in the Register as a pharmacy technician.
- (4) Until such time as the criteria referred to in sub-paragraph (3) are published, the Registrar must have regard to the criteria established by the Society under paragraph 6(3) of Schedule 2 to the 2007 Order for the purpose of determining the matters referred to in sub-paragraph (3)(a) and (b).
- (5) Where, under this paragraph, the Registrar refuses to enter P's name in the Register, the Registrar must send to P at P's last known home address a statement in writing giving P notice of the decision and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

### **Offences relating to the Register: pharmacy technicians**

**8.—(1)** A person may, before the relevant date, use the title “pharmacy technician” or “technegydd fferylliaeth” (its equivalent in the Welsh language), or practise as a pharmacy technician, without committing an offence under article 38(2)(b) or (4)(b).

(2) In this paragraph, “the relevant date” means 1 July 2011 except that in relation to a person who has applied to be registered as a pharmacy technician before that date and whose application has not been disposed of before that date, it means the date on which that application (including any appeal) is finally disposed of.

(3) For the purposes of sub-paragraph (2), an appeal is finally disposed of once all rights in relation to the appeal have been exhausted.

### **Education and training**

**9.—(1)** Anything determined, approved or accredited by the Society under articles 14, 15, 25 and 26 of the 2007 Order immediately before the appointed day, except the approval or accreditation of providers of continuing professional development, is to be treated as having been set or approved by the Council under, as the case may be, article 42(1)(b)(ii), (4) or (5) as from the appointed day.

(2) An appeal as provided for in rules under article 16(3)(c)(iii) or (d) or (4) or 27(3)(c)(iii) or (d) or (4) of the 2007 Order which is pending or proceeding immediately before the day the 2007 Order is revoked must be dealt with as if those articles remained in force.

(3) In this paragraph, “the appointed day” means the day appointed for the coming into force of Part 5.

### **Premises**

**10.** Sections 74A(4) to (7), 74B(1) to (5), 74C to 74I and 74L of the 1968 Act, as inserted by paragraph 1(8) of Schedule 4, have effect in relation to premises which are entered in the Register pursuant to paragraph 3(4) as they have effect in relation to premises entered in the Register under section 74A of that Act as inserted by that provision of that Schedule.

### **Fees**

- 11.—(1)** Any fees which are payable by virtue of—
- (a) rules under article 40 of the 2007 Order;
  - (b) article 63(1) of that Order; or
  - (c) regulations under section 75 or 76 of the 1968 Act,

but which are outstanding immediately before the appointed day remain payable and are to be paid to the Council.

(2) In sub-paragraph (1), “the appointed day” means the day appointed for the coming into force of article 4(1).

### **Fitness to practise proceedings**

**12.**—(1) Proceedings in respect of an allegation relating to fitness to practice which, immediately before the appointed day—

- (a) are pending before the Society or any of its committees; or
- (b) have begun but in respect of which the Society or the committee dealing with the case has not communicated its decision to the person who is the subject of the proceedings,

must be referred to the Council.

(2) Proceedings referred to in sub-paragraph (1) must be disposed of by the Council—

- (a) in accordance with the relevant provisions of the 2007 Order as if those provisions remained in force; or
- (b) in such other manner as it considers just.

**13.**—(1) The revocation of Part 5 of and Part 4 of Schedule 2 to the 2007 Order does not affect the application of those provisions—

- (a) in relation to any appeal that is pending before the relevant court immediately before the appointed day; or
- (b) in any case where, immediately before the appointed day, the period of 28 days within which an appeal could be brought before the relevant court in respect of a decision of the Society or any of its committees has not expired.

(2) Part 5 of, and Part 4 of Schedule 2 to, the 2007 Order applies in relation to any decision of the Council that is made by virtue of paragraph 12; and in its application by virtue of this sub-paragraph any references—

- (a) to the Society, are to be treated as references to the Council;
- (b) to the Investigating Committee, are to be treated as references to the Investigating Committee established under article 4(6)(a);
- (c) to the Disciplinary Committee or to the Health Committee, are to be treated as references to the Fitness to Practise Committee established under article 4(6)(b);
- (d) to the Registrar, are to be treated as references to the Registrar for the purposes of this Order.

(3) In this paragraph “the appointed day” means the day appointed for the coming into force of Part 6.

### **Proceedings under section 80 of the 1968 Act**

**14.**—(1) Sub-paragraph (2) applies to matters referred to, but not dealt with by, the Disciplinary Committee established under article 7(1)(b) of the 2007 Order by virtue of section 80 of the 1968 Act immediately before the day appointed for the coming into force of paragraph 1(14) and (15) of Schedule 4.

(2) Those matters are to be dealt with by the Fitness to Practise Committee established under article 4(6)(b) as if the amendments to sections 80 and 81 of that Act made by paragraph 1(14) and (15) of Schedule 4 had not come into force.

### **Supply of information**

15. For the purpose of enabling the Council to discharge its functions under the preceding provisions of this Schedule, the Society must supply such information and documentation to the Council as is relevant to the discharge of those functions.

### **Application of TUPE**

16. The transfer of the functions of the Society to the Council by virtue of this Order is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006(111), whether or not, apart from this paragraph, it would be considered such a transfer.

### **Transfer of property, rights and liabilities**

17. The Privy Council may by order provide for the transfer from the Society to the Council of any property, rights and liabilities.

### **Grants and loans**

18. The Privy Council may by order make provision authorising the Society to make grants or loans to any person in connection with the implementation or preparations for the implementation of this Order.

### **Cancellation of elections to, and transitional measures relating to, the Council of the Society**

19.—(1) Elections which would have been held by virtue of regulations under article 8 of the Charter, are not to be held in respect of the vacancies that would have arisen in respect of the members of the Council of the Society who were due to vacate office at the end of 20 May 2010.

(2) The members of the Council of the Society referred to in sub-paragraph (1) are to remain in office until the end of —

- (a) the day before the day on which the first order under article 4(2) comes into force; or
- (b) 31 May 2011,

whichever first occurs.

(3) In sub-paragraph (1), “the Charter” means the Charter granted to the Society on 7 December 2004 as amended from time to time.

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(111) [S.I.2006/246](#).

## SCHEDULE 6

Article 69(2)

### Savings

## PART 1

### Primary legislation

#### Medicines Act 1968

1.—(1) Section 69(3) of the Medicines Act 1968(**112**) (general provision for Part 4 of the Act) is to continue to have effect with the insertion of the definition of “relevant European State” (originally made by paragraph 2(4)(b) of Schedule 1 to the 2007 Order).

(2) The following provisions of the Medicines Act 1968—

- (a) section 72(3) (representative of a pharmacist in case of death or disability);
- (b) the heading for section 80 (power for relevant disciplinary committee to disqualify and direct removal from the register);
- (c) section 80(2), (3) and (4);
- (d) section 82(1) and (5) (procedure relating to disqualification);
- (e) section 83(1) and (2) (revocation of disqualification),

are to continue to have effect with the insertion of references to “relevant disciplinary committee”, “the relevant disciplinary committee” and “the committee” (originally made by paragraph 2(9), (12), (14) and (15) of Schedule 1 to the 2007 Order by way of substitution for references to “Statutory Committee”, “the Statutory Committee” and “the Committee”).

#### Income Tax (Earnings and Pensions) Act 2003

2. Section 343(2) of the Income Tax (Earnings and Pensions) Act 2003(**113**) (deduction for professional membership fees) is to continue to have effect with the insertion, in paragraph (n) of the Table, of the entry relating to the register of pharmaceutical chemists kept under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**114**) (originally made by paragraph 9 of Schedule 1 to the 2007 Order).

## PART 2

### Secondary legislation

#### Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

3. Part 1 of Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**115**) (excepted professions) is to continue to have effect with the insertion—

- (a) in paragraph 8, of the entry relating to “Registered pharmacist”; and

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(112) 1968 c.67. Other amendments to section 69(3) made by [S.I.2007/289](#) are substituted by Schedule 4 to this Order. [S.I.2007/289](#) is revoked by that Schedule.

(113) 2003 c.1. Other entries inserted in the Table by [S.I.2007/289](#) are substituted by Schedule 4 to this Order.

(114) [S.I.1976/1213 \(N.I. 22\)](#).

(115) [S.I.1975/1023](#). The definition of “registered pharmacist” and “registered pharmacy technician” that were inserted by paragraph 12(b) of the 2007 Order are substituted by Schedule 4 to this Order.

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(b) in paragraph 8A, of the entry relating to “Registered pharmacy technician”,  
(originally made by paragraph 12(a) of Schedule 1 to the 2007 Order).

**National Health Service (Pharmaceutical Services) Regulations 1992**

4. Regulation 4(5) of the National Health Service (Pharmaceutical Services) Regulations 1992(**116**) (pharmaceutical lists) is to continue to have effect with the insertion of the words “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland” (originally made by paragraph 16(b) of Schedule 1 to the 2007 Order).

**Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003**

5. Part 1 of Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(**117**) (excepted professions) is to continue to have effect with the insertion in paragraph 8 of the entry relating to “Registered pharmacist” (originally made by paragraph 31(1) of Schedule 1 to the 2007 Order).

**National Health Service (Pharmaceutical Services) Regulations 2005**

6. The following provisions of the National Health Service (Pharmaceutical Services) Regulations 2005(**118**) are to continue to have effect with the insertion of the words “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland”—

- (a) regulation 11(1) (refusal: general provisions) (the words were originally inserted by paragraph 43(b) of Schedule 1 to the 2007 Order); and
- (b) regulation 54(6) (temporary provision of services during a period of suspension) (the words were originally inserted by paragraph 43(c) of Schedule 1 to the 2007 Order).

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(**116**) [S.I.1992/662](#). These Regulations have been revoked in relation to England and now apply only in relation to Wales (see [S.I.2005/641](#)). Regulation 4(5) was also amended by [S.I.2002/2469](#).

(**117**) [S.S.I. 2003/231](#). The definition of “registered pharmacist” inserted by [S.I.2007/289](#) is substituted by Schedule 4 to this Order.

(**118**) [S.I.2005/631](#).