

SCHEDULE 4

Article 4(1)

Amendments to and revocations of subordinate legislation

PART 1

Amendments relating to the introduction of statutory regulation of practitioner psychologists

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

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

- (a) in Part 1 (professions), omit paragraph 13; and
- (b) in Part 4 (interpretation), omit the definition of “chartered psychologist”.

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

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

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

3. In regulation 53 of the Representation of the People (Scotland) Regulations 2001(3) (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or any other disability), in paragraph (2), omit sub-paragraph (i).

Amendment of the Care Homes Regulations 2001

4. In regulation 2 of the Care Homes Regulations 2001(4) (interpretation), in paragraph (1), in the definition of “health care professional” for “clinical psychologist or” substitute “a”.

Amendment of the Private and Voluntary Health Care (England) Regulations 2001

5. In regulation 2 of the Private and Voluntary Health Care (England) Regulations 2001(5) (interpretation), in paragraph (1), in the definition of “health care professional” omit “clinical psychologist or”.

Amendment of the Care Homes (Wales) Regulations 2002

6. In regulation 2 of the Care Homes (Wales) Regulations 2002(6) (interpretation), in paragraph (1), in the definition of “health care professional”, omit “clinical psychologist or”.

(1) S.I. 1975/1023; the relevant amending instrument is S.I. 2002/441.

(2) S.I. 2001/341; the relevant amending instrument is S.I. 2006/2910.

(3) S.I. 2001/497; the relevant amending instrument is S.I. 2007/925.

(4) S.I. 2001/3965; regulation 2(1) has been amended by S.I. 2004/664, 865 and 1770.

(5) S.I. 2001/3968; regulation 2(1) has been amended by S.I. 2004/664 and 865.

(6) S.I. 2002/324; the relevant amending instrument is S.I. 2004/1314.

Amendment of the Private and Voluntary Health Care (Wales) Regulations 2002

7. In regulation 2 of the Private and Voluntary Health Care (Wales) Regulations 2002(7) (interpretation), in paragraph (1), in the definition of “health care professional” omit “clinical psychologist or”.

Amendment of the Health Professions (Parts of and Entries in the Register) Order of Council 2003

8. In the Health Professions (Parts of and Entries in the Register) Order of Council 2003(8)—
(a) after article 6 insert the following article—

“Entries indicating the fields of competence of practitioner psychologists

6A. Entries in Part 14 of the register are to include such entries as the Council considers appropriate to indicate whether the registrant’s field of competence is as a clinical psychologist, a counselling psychologist, an educational psychologist, a forensic psychologist, a health psychologist, an occupational psychologist, a sport and exercise psychologist, or a combination of these.”; and

(b) in Schedule 1 (parts of the register)—

(i) in column 1, after the entry “Part 13 – Operating Department Practitioners” add the following entry: “Part 14 – Practitioner Psychologists”, and

(ii) in column 2, after the entry “Operating Department Practitioner” and opposite the entry in column 1 added by paragraph (i), add the following entry: “Clinical Psychologist, Counselling Psychologist, Educational Psychologist, Forensic Psychologist, Health Psychologist, Occupational Psychologist, Practitioner Psychologist, Registered Psychologist, Sport and exercise Psychologist.”

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

9. In Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(9) (excepted professions, offices, employments, and occupations)—

(a) in Part 1 (professions), omit paragraph 13; and

(b) in Part 4 (interpretation), omit the definition of “chartered psychologist”.

Amendment of the Health Professions Council (Registration Appeals) Rules 2003

10. In rule 9 of the Health Professions Council (Registration Appeals) Rules 2003(10) (consideration by Appeal Panel), in paragraph (3), for sub-paragraph (b) substitute the following sub-paragraph—

“(b) a lay member; and”.

(7) S.I. 2002/325.

(8) S.I. 2003/1571; the relevant amending instrument is S.I. 2004/2522.

(9) S.S.I 2003/231.

(10) Scheduled to S.I. 2003/1579.

Amendment of the Mental Health Tribunal for Scotland (Appointment of General Members) Regulations 2004

11. In regulation 2(c) of the Mental Health Tribunal for Scotland (Appointment of General Members) Regulations 2004(11) (general members of the Mental Health Tribunal for Scotland), for “entered on the British Psychological Society’s register of chartered psychologists” substitute “registered with the Health Professions Council”.

Amendment of the Mental Health (Advance Statements) (Prescribed Class of Persons) (Scotland) (No.2) Regulations 2004

12. In regulation 2 of the Mental Health (Advance Statements) (Prescribed Class of Persons) (Scotland) (No.2) Regulations 2004(12) (prescribed persons), omit paragraph (a) and in paragraph (c) after “occupational therapists” insert “and registered psychologists”.

Amendment of the Mental Health (Patient Representation) (Prescribed Persons) (Scotland) (No.2) Regulations 2004

13. In regulation 2 of the Mental Health (Patient Representation) (Prescribed Persons) (Scotland) (No.2) Regulations 2004(13) (prescribed persons), omit paragraph (a) and in paragraph (c) after “occupational therapists” insert “and registered psychologists”.

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

14. In regulation 3 of the Regulation of Care (Social Service Workers) (Scotland) Order 2005(14) (excluded persons), omit paragraph (2).

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

15. In the Scottish Parliament (Elections etc.) Order 2007(15), in Schedule 3 (absent voting), in paragraph 3(2), omit paragraph (i).

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

16. In the National Assembly for Wales (Representation of the People) Order 2007(16), in Schedule 1 (absent voting at Assembly elections), in paragraph 4(2), omit paragraph (i).

Amendment of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007

17. In regulation 8 of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007(17) (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or other disability), in paragraph (2), omit paragraph (i).

(11) [S.S.I. 2004/375](#).

(12) [S.S.I. 2004/429](#).

(13) [S.S.I. 2004/430](#).

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

(15) [S.I. 2007/937](#).

(16) [S.I. 2007/236](#).

(17) [S.S.I. 2007/170](#).

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

18. In the European Communities (Recognition of Professional Qualifications) Regulations 2007⁽¹⁸⁾—

- (a) in Schedule 1 (regulated professions), in Part 1 (professions regulated by law or public authority)—
 - (i) in the column headed “profession”—
 - (aa) omit “clinical psychologist employed in the National Health Service”, and
 - (bb) after “Radiographer” insert “Registered psychologist (that is to say, a clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sport and exercise psychologist)”, and
 - (ii) in the column headed “Competent Authority” omit “British Psychological Society”;
- (b) in Schedule 1, in Part 2 (professions regulated by professional bodies incorporated by Royal Charter)—
 - (i) in the column headed “Professional Title (where applicable)” omit “Chartered psychologist”,
 - (ii) in the column headed “Designatory Letters” omit “C Psychol”, and
 - (iii) in the column headed “Competent Authority” omit “The British Psychological Society”; and
- (c) in Schedule 2 (regulated professions having public health or safety implications)—
 - (i) omit “Clinical Psychologist (employed in the National Health Service)”, and
 - (ii) after “Registered Gas Installer” insert “Registered psychologist (that is to say, a clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sport and exercise psychologist)”.

PART 2

Amendments relating to barring entries

Amendment of the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000

19. After rule 26 of the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000⁽¹⁹⁾, insert the following rule—

“Cases relating to barring entries

26A.—(1) In cases relating to barring entries, the order of proceedings shall be as follows—

- (a) the Solicitor shall be requested to adduce evidence of any barring entry and its circumstances;

⁽¹⁸⁾ S.I. 2007/2781.

⁽¹⁹⁾ Scheduled to S.I. 2000/241.

- (b) evidence relating to the barring entry, and of any findings of fact made by the Independent Barring Board or the Scottish Ministers on which that barring entry is based, may be adduced in the form of information—
 - (i) provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007,
 - (ii) provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007;
 - (c) if in respect of any barring entry, no evidence is adduced that the barring entry has been made, the chair shall announce that the barring entry has not been proved;
 - (d) the chair shall ask the osteopath (“O”) whether O accepts each barring entry of which evidence is adduced, and shall announce that any such accepted barring entry has been proved;
 - (e) in respect of any barring entry not so accepted, O or O’s representative may address the Committee and adduce both oral and documentary evidence to show that O was not the person in respect of whom the barring entry was made;
 - (f) thereafter the Solicitor may, with the Committee’s leave, seek to rebut any evidence of O by adducing evidence to that effect;
 - (g) the Solicitor and then O or O’s representative may address the Committee.
- (2) On conclusion of the proceedings in paragraph (1), the Committee shall consider each barring entry alleged in the complaint, other than those accepted or announced not to be proved, and shall determine whether or not each such barring entry is proved and then announce its determination.
- (3) Where the Committee have announced that a barring entry has been proved or where a barring entry has been accepted, the chair shall—
- (a) invite the Solicitor to address the Committee and adduce any further evidence as to character and previous history of O and the circumstances leading to the barring entry, and for these purposes—
 - (i) a document from the Independent Barring Board, authenticated in whatever way the General Council may approve and adduced under paragraph (1)(a), that provides a statement of the findings of fact made by the Board that led to the barring entry shall be conclusive evidence of the facts found proved by the Board, and
 - (ii) a document from the Scottish Ministers, authenticated in whatever way the General Council may approve and adduced under paragraph (1)(a), that provides a statement of the findings of fact made by the Scottish Ministers that led to the barring entry shall be conclusive evidence of the facts found proved by the Scottish Ministers;
 - (b) invite O or O’s representative to address the Committee by way of mitigation and adduce any further evidence as to the matters referred to in sub-paragraph (a).
- (4) The Solicitor and O or O’s representative, shall, if appropriate, be invited to address the Committee on whether the barring entry in question has any material relevance to the fitness of the osteopath concerned to practise osteopathy.
- (5) The Committee shall then proceed in accordance with rules 35 to 39.
- (6) For the purposes of this rule, “barring entry” means—

- (a) the Independent Barring Board including a person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or
- (b) the Scottish Ministers including a person in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007).”

Amendment of the General Chiropractic Council (Professional Conduct Committee) Rules 2000

20. In rule 7 of the General Chiropractic Council (Professional Conduct Committee) Rules 2000(20) (evidence), after paragraph (1) insert the following paragraphs—

“(1A) Where it is alleged that the respondent has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

- (a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the respondent can prove that they are not the person referred to in the information provided; and
- (b) a document from the Board, authenticated in whatever way the General Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive evidence of the facts found proved by the Board.

(1B) Where it is alleged that the Scottish Ministers have included the respondent in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

- (a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the respondent can prove that they are not the person referred to in the information provided; and
- (b) a document from the Scottish Ministers, authenticated in whatever way the General Council may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive evidence of the facts found proved by the Scottish Ministers.”

Amendment of the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003

21. In rule 10 of the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003(21), in paragraph (1), after sub-paragraph (d) insert the following sub-paragraphs—

- “(da) where it is alleged that the health professional has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

(20) Scheduled to [S.I. 2000/3290](#).

(21) Scheduled to [S.I. 2003/1575](#).

- (i) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the health professional can prove that they are not the person referred to in the information provided, and
 - (ii) a document from the Board, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive evidence of the facts found proved by the Board;
- (db) where it is alleged that the Scottish Ministers have included the health professional in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—
- (i) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the health professional can prove that they are not the person referred to in the information provided, and
 - (ii) a document from the Scottish Ministers, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive evidence of the facts found proved by the Scottish Ministers;”.

Amendment of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004

22. In the Nursing and Midwifery Council (Fitness to Practise) Rules 2004(22), in rule 31 (evidence), after paragraph (3) insert the following paragraphs—

“(3A) Where it is alleged that a registrant has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

- (a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the registrant can prove that they are not the person referred to in the information provided; and
- (b) a document from the Board, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive proof of the facts found proved by the Board.

(3B) Where it is alleged that the Scottish Ministers have included a registrant in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

- (a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the registrant can prove that they are not the person referred to in the information provided; and
- (b) a document from the Scottish Ministers, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by

the Scottish Ministers that led to that inclusion shall be conclusive proof of the facts found proved by the Scottish Ministers.”

Amendment of the General Medical Council (Fitness to Practise) Rules 2004

23. In the General Medical Council (Fitness to Practise) Rules 2004**(23)**—

(a) in rule 5(2) (which relates to functions of the Registrar in certain cases), for “or (e)” substitute “, (e), (f) or (g)”; and

(b) in rule 34 (evidence), after paragraph (5) insert the following paragraphs—

“(5A) Where it is alleged that a practitioner has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

(a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the practitioner can prove that they are not the person referred to in the information provided; and

(b) a document from the Board, authenticated in whatever way the General Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive evidence of the facts found proved by the Board.

(5B) Where it is alleged that the Scottish Ministers have included a practitioner in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

(a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the practitioner can prove that they are not the person referred to in the information provided; and

(b) a document from the Scottish Ministers, authenticated in whatever way the General Council may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive evidence of the facts found proved by the Scottish Ministers.”

Amendment of the General Optical Council (Fitness to Practise) Rules 2005

24. After rule 38 of the General Optical Council (Fitness to Practise) Rules 2005**(24)**, insert the following rule—

“Evidence relating to barring entries

38A.—(1) Where it is alleged that a registrant has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

(a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the registrant can prove that they are not the person referred to in the information provided; and

(23) Scheduled to [S.I. 2004/2608](#).

(24) Scheduled to [S.I. 2005/1475](#).

- (b) a document from the Board, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive evidence of the facts found proved by the Board.
- (2) Where it is alleged that the Scottish Ministers have included a registrant in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—
- (a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the registrant can prove that they are not the person referred to in the information provided; and
 - (b) a document from the Scottish Ministers, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive evidence of the facts found proved by the Scottish Ministers.”

Amendment of the General Dental Council (Fitness to Practise) Rules 2006

25. In rule 57 of the General Dental Council (Fitness to Practise) Rules 2006**(25)** (evidence)—

- (a) in paragraph (4), before “It shall be” insert “Except as otherwise provided by this rule,”; and
- (b) after paragraph (6) insert the following paragraphs—

“(6A) Where it is alleged that a respondent has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

- (a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the respondent can prove that they are not the person referred to in the information provided; and
- (b) a document from the Board, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive proof of the facts found proved by the Board.

(6B) Where it is alleged that the Scottish Ministers have included a respondent in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

- (a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the respondent can prove that they are not the person referred to in the information provided; and
- (b) a document from the Scottish Ministers, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive proof of the facts found proved by the Scottish Ministers.”

Amendment of the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007

26. In the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007(**26**), in rule 6 (application for registration in the register of pharmacists) in paragraph (3)(g) (in both places) for “48(1)(e) to (k)” substitute “48(1)(e) to (m)”.

Amendment of the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Disqualification etc.) Rules 2007

27. In the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Disqualification etc.) Rules 2007(**27**), in rule 30 (evidence), after paragraph (5) insert the following paragraphs—

“(5A) Where it is alleged that an applicant or registrant has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

- (a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the applicant or registrant concerned can prove that they are not the person referred to in the information provided; and
- (b) a document from the Board, authenticated in whatever way the Society may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive proof of the facts found proved by the Board.

(5B) Where it is alleged that the Scottish Ministers have included an applicant or registrant in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

- (a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the applicant or registrant concerned can prove that they are not the person referred to in the information provided; and
- (b) a document from the Scottish Ministers, authenticated in whatever way the Society may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive proof of the facts found proved by the Scottish Ministers.”

PART 3

Amendments relating to the introduction of statutory regulation of pharmacy technicians

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

28. In Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(**28**) (excepted professions, offices, employments, and occupations)—

- (a) in Part 1 (professions), after paragraph 8 insert the following paragraph—

(26) Scheduled to [S.I. 2007/441](#).

(27) Scheduled to [S.I. 2007/442](#).

(28) [S.S.I. 2003/231](#); paragraph 8 in Part 1 was substituted by, and the definition of “registered pharmacist” in Part 4 was inserted by, [S.I. 2007/3101](#).

- “8A. Registered pharmacy technician.”; and
- (b) in Part 4 (interpretation), after the definition of “registered pharmacist” insert the following definition—
- ““registered pharmacy technician” means a person who is registered in the register maintained under article 21(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

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

29. In article 5 of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005(29) (disclosure for medical purposes), in paragraph (2)(b)(iii), for “a pharmacist registered in Part 1 or 3 of the register maintained under article 10(1) of” substitute “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”.

Amendment of the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007

- 30.** In the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007(30)—
- (a) in rule 2 (interpretation), omit paragraph (2); and
- (b) after rule 6, insert the following rule—

“Applications for registration in the Register of Pharmacy Technicians

6A.—(1) Subject to the following provisions of this rule, applicants for registration in Part 1 or 2 of the Register of Pharmacy Technicians shall apply using the relevant application form, which shall be in such form as the Council shall determine from time to time.

- (2) The application form shall—
- (a) require the applicant—
- (i) to specify the part of the register in which registration is sought, and if the applicant wishes to be registered in Part 2, to give the undertaking referred to in article 22(2) of the Order,
- (ii) to provide the applicant’s full home address and contact details (including a telephone number and electronic mail address, where possible),
- (iii) to declare in terms that the applicant—
- (aa) agrees, upon registration with the Society, to adhere to the standards, and
- (bb) understands that, in the event that the applicant is found to have given false or misleading information in connection with the applicant’s application for registration, the applicant may be removed from the register,
- (iv) to provide any necessary supporting documentation, as mentioned in paragraph (3),
- (v) to sign and date the application, and

(29) S.S.I. 2005/125.

(30) Scheduled to S.I. 2007/441.

- (vi) in the case of persons who have qualified within Great Britain, to have the form countersigned and dated by a pharmacist who is registered in Part 1 of the Register of Pharmacists and who is in good standing with the Society;
 - (b) include a demand that the applicant pay any relevant prescribed fee; and
 - (c) request the applicant to provide information relating to the applicant's gender, ethnicity and any disability for monitoring purposes.
- (3) A person applying for registration in Part 1 or 2 of the Register of Pharmacy Technicians shall provide to the Registrar, together with the person's application form—
 - (a) evidence of the person's identity in the form of—
 - (i) the person's passport (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist) or another document which is considered acceptable by the Registrar as proof of identity, and
 - (ii) a photograph which is signed and dated by a legal or health care professional, justice of the peace or person of standing in the community, who has known the person for at least two years and who certifies that the photograph is a true likeness of the person;
 - (b) where the person wishes to use a registered name which is different to the name given on the evidence of identity—
 - (i) the relevant marriage certificate or certificate of civil partnership (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist),
 - (ii) the relevant certificate of change of name (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist), or
 - (iii) evidence of the change of name in the form of a statutory declaration;
 - (c) evidence of the person's date of birth in the form of—
 - (i) the person's passport (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist) or the other document considered acceptable under paragraph (3)(a)(i), and
 - (ii) either—
 - (aa) the person's birth certificate (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist),
or
 - (bb) a statutory declaration;
 - (d) sufficient evidence (in the opinion of the Registrar) that the person is appropriately qualified;
 - (e) where the person is an exempt person who is an applicant for the purposes of Chapter 1 of Part 3 of the General Systems Regulations ("E"), sufficient evidence (in the opinion of the Registrar) of that fact;
 - (f) in the case of E, sufficient information (in the opinion of the Registrar) about the person's knowledge and standards of practice, wherever acquired, to determine whether the person should be registered or be subject to a period of adaptation or aptitude test;
 - (g) as regards the good physical and mental health of the person—
 - (i) in the case of E—

- (aa) a document (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar), issued by the competent authorities in E's attesting State no more than three months prior to the date on which it is presented to the Registrar, which attests to E's good physical and mental health and which is required of a person who wishes to practise as a pharmacy technician in E's attesting State, or
 - (bb) if no such document is required, a certificate (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar) issued by the competent authorities in E's attesting State no more than three months prior to the date on which it is presented to the Registrar, which attests to E's good physical and mental health, or
 - (ii) in the case of any other person (or if E chooses to attest to their physical or mental health in this way) a self declaration, in the form determined by the Council from time to time, of the person's good physical and mental health, which is signed and dated by the person;
- (h) as regards the fitness to practise of the person, apart from their physical or mental health, in the case of E—
- (i) any standard documentation (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar) that is made available by the competent authorities of E's attesting State to persons wishing to take up the profession of pharmacy technician in another State in order to demonstrate that E would be considered fit to practise a regulated profession in E's attesting State, and
 - (ii) if the competent authorities of E's attesting State do not make available certificates attesting to a person's good character or repute to persons wishing to take up the profession of pharmacy technician in another State, a declaration on oath or solemn declaration made by E before a competent judicial or administrative authority, notary or qualified professional body in E's attesting State attesting to E's good character or repute (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar),
- which must be dated no more than three months prior to the date on which it is presented to the Registrar;
- (i) a self declaration in respect of the person's fitness to practise, in the form determined by the Council from time to time, which is signed and dated by the person;
 - (j) except in the case of E, the additional information or documentation, where applicable, set out in paragraph (4); and
 - (k) such other documents, information or evidence as the Registrar may reasonably require for the purposes of verifying the information in, or determining, the application.
- (4) The additional information or documentation referred to in paragraph (3)(j) is—
- (a) a completed and signed application form and authorisation for the Registrar to obtain a certificate of enhanced disclosure from the Criminal Records Bureau;
 - (b) where the applicant has previously obtained a certificate of standard or enhanced disclosure from the Criminal Records Bureau for the purpose of applying to be

entered on a list of performers or providers of pharmaceutical services as part of the health service, a true copy (certified by a notary or warranted to be a true copy by a registered pharmacist) of that certificate;

- (c) where the applicant has been the subject of a determination by a regulatory body that the applicant's fitness to practise is impaired, or a determination to the same effect, details of any investigations, the proceedings and the outcome;
- (d) in the case of an applicant who has been registered and has practised as a pharmacist or pharmacy technician outside Great Britain, a certificate of good standing or current professional status issued no more than six months prior to the date of the application by the appropriate authority of every country in which the applicant has been registered and has practised as a pharmacist or pharmacy technician within the five years immediately preceding the date of the application.

(5) Before deciding whether or not an applicant's fitness to practise is impaired for reasons other than adverse physical or mental health, the Registrar may seek the advice of the Disciplinary Committee in respect of the application.

(6) In making a decision about an applicant's good character, the Registrar shall have regard to the matters set out in the Society's Good Character Assessment Framework published by the Council under article 45(1) of the Order.

(7) Before deciding whether or not an applicant's fitness to practise is impaired because of adverse physical or mental health, the Registrar may seek the advice of the Health Committee in respect of the application.

(8) The Registrar shall refuse the application if the applicant does not pay the relevant prescribed fee.

(9) For the purposes of this rule, "attesting State" means the relevant European State in which E obtained their qualification as a pharmacy technician or, if different, the relevant European State from which E comes to Great Britain."; and

- (c) in rule 12 (applications for restoration within twelve months of specified removals from the register), in paragraph (1)(a), after "article 17(2)(b)" insert ", 28(2)(b)".

Amendment of the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Disqualification etc.) Rules 2007

31. In the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Disqualification etc.) Rules 2007(**31**), in rule 2 (interpretation), omit paragraph (3).

Amendment of the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Registration Appeals Committees and their Advisers) Rules 2007

32. In the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Registration Appeals Committees and their Advisers) Rules 2007(**32**)—

- (a) in rule 2 (interpretation), omit paragraph (2); and
- (b) in rule 5 (appointments group), in paragraph (2)—
 - (i) in sub-paragraph (c), before "pharmacists" insert "registered", and
 - (ii) in sub-paragraph (d), before "pharmacy technician" insert "registered".

(31) Scheduled to [S.I. 2007/442](#).

(32) Scheduled to [S.I. 2007/561](#).

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

33. In the European Communities (Recognition of Professional Qualifications) Regulations 2007(**33**)—

- (a) in Schedule 1 (regulated professions), in Part 1 (professions regulated by law or public authority)—
 - (i) in the column headed “profession”, after the entry for “Patent Attorney and Patent Agent” insert a new entry “Pharmacy Technician in Great Britain”, and
 - (ii) in the column headed “Competent Authority”, opposite “Pharmacy Technician in Great Britain” insert a new entry “The Royal Pharmaceutical Society of Great Britain”; and
- (b) in Schedule 2 (regulated professions having public health or safety implications), after “Paramedic” insert “Pharmacy Technician in Great Britain”.

PART 4

Revocations relating to constitutional changes to the General Dental Council

Revocation of the General Dental Council (Constitution) Order of Council 2006

- 34.**—(1) The General Dental Council (Constitution) Order of Council 2006(**34**) is revoked.
- (2) The General Dental Council (Constitution) (Amendment) Order of Council 2007(**35**) is revoked.
- (3) The General Dental Council (Constitution) (Amendment) Order of Council 2008(**36**) is revoked.

Revocation of the General Dental Council (Constitution of Committees) Order of Council 2006

35. The General Dental Council (Constitution of Committees) Order of Council 2006(**37**) is revoked.

PART 5

Revocations relating to constitutional changes to the Health Professions Council

Revocation of the Health Professions Council’s Practice Committees Constitution Rules

36.—(1) The Health Professions Council (Practice Committees) (Constitution) Rules Order of Council 2003(**38**), and the Rules approved by that Order(**39**), are revoked.

(33) [S.I. 2007/2781](#).

(34) [S.I. 2006/1666](#).

(35) [S.I. 2007/3172](#).

(36) [S.I. 2008/3238](#).

(37) [S.I. 2006/1665](#).

(38) [S.I. 2003/1209](#).

(39) These Rules were amended by [S.I. 2005/1625](#).

(2) Rule 3 of the Health Professions Council (Practice Committees and Registration) (Amendment) Rules 2005(40) is revoked.

PART 6

Miscellaneous updating and consequential amendments

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

37. In Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(41) (excepted professions, offices, employments, work and occupations)—

(a) in Part 1 (professions), for paragraph 4 substitute the following paragraph—

“4. Dentist, registered dental care professional.”; and

(b) in Part 4 (interpretation), in the appropriate place in the alphabetical order insert the following definition—

““registered dental care professional” has the meaning given by section 53 of the Dentists Act 1984;”.

Amendment of the Nursing and Midwifery Order 2001

38. In the Nursing and Midwifery Order 2001(42)—

(a) in article 5 (establishment and maintenance of register), in paragraph (3)(a), omit “the Conduct and Competence Committee in addition to”;

(b) in article 6A(43) (temporary annotations with regard to emergencies involving loss of human life or human illness etc.), in paragraph (5), for “subsection (2)” substitute “subsection (2)(a) and (b)”;

(c) in article 21 (Council’s functions in respect of fitness to practise, ethics and other matters), in paragraph (3), omit “standards or” and “the Conduct and Competence Committee in addition to”;

(d) in article 25 (Council’s power to require disclosure of information)—

(i) in paragraph (1), for “them in” substitute “the Council or any of its Practice Committees in” and for “a Practice Committee” substitute “the Council”, and

(ii) in paragraph (5), for “the Practice Committee in respect of the allegation with which it is dealing” substitute “a Practice Committee with regard to the person concerned”;

(e) in article 27 (the Conduct and Competence Committee), omit paragraph (a);

(f) in article 37(44) (appeals against Registrar’s decisions), in paragraph (5)(c), for paragraph (ii) substitute the following paragraph—

“(ii) a person who—

(aa) is not and never has been a registered nurse or midwife (and article 5(5) does not apply for these purposes),

(bb) is not and never has been a registered medical practitioner, and

(40) S.I. 2005/1625.

(41) S.I. 1975/1023; the relevant amending instrument is S.I. 2002/441.

(42) S.I. 2002/253.

(43) Inserted by S.I. 2008/1485.

(44) There are no relevant amending instruments.

- (cc) does not hold qualifications which would entitle them to apply for registration as a registered nurse, a registered midwife or a registered medical practitioner; and”;
- (g) in Schedule 1(45) (the Nursing and Midwifery Council and committees)—
 - (i) in paragraph 1B(1)(d), after “term of office” insert “, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment”, and
 - (ii) in paragraph 17, after sub-paragraph (1) insert the following sub-paragraph—
 - “(1A) Where the rules provide for one or more panels of members of a Practice Committee to perform functions of the Committee, the provision required by sub-paragraph (1)(d) includes provision with regard to the quorum at meetings of those panels.”, and
 - (iii) in paragraph 18, omit sub-paragraphs (4), (9) and (11).

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

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

- “(e) a registered pharmacist as defined in article 3(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

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

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

- “(e) a registered pharmacist as defined in article 3(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004

41. In Rule 25 of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004(46) (consideration by Appeal Panel), in paragraph (3), for sub-paragraph (b) substitute the following sub-paragraph—

- “(b) a person who—
 - (i) is not and never has been a registered nurse or midwife (and article 5(5) of the Order does not apply for these purposes),
 - (ii) is not and never has been a registered medical practitioner, and
 - (iii) does not hold qualifications which would entitle them to apply for registration as a registered nurse, a registered midwife or a registered medical practitioner; and”.

(45) Relevant amendments were made by [S.I. 2008/1485](#).

(46) Scheduled to [S.I. 2004/1767](#).

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

42. In the National Assembly for Wales (Representation of the People) Order 2007, in Schedule 1 (absent voting at Assembly elections), in paragraph 4(2), for paragraph (e) substitute the following paragraph—

- “(e) a registered pharmacist as defined in article 3(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007

43. In regulation 8 of the Representation of the People (Absent voting at Local Government Elections) (Scotland) Regulations 2007 (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or other disability), in paragraph (2), for sub-paragraph (e) substitute the following sub-paragraph—

- “(e) a registered pharmacist as defined in article 3(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

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

44. In the Scottish Parliament (Elections etc. Order) 2007, in Schedule 3 (absent voting), in paragraph 3(2), for paragraph (e) substitute the following paragraph—

- “(e) a registered pharmacist as defined in article 3(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007

45. In the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007, in rule 6 (application for registration in the register of pharmacists)—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (b)(i), after “civil partnership” insert “(or a true copy of it, certified by a notary)”,
 - (ii) in sub-paragraph (b)(ii), after “change of name” insert “(or a true copy of it, certified by a notary)”,
 - (iii) in sub-paragraph (c)(ii)(aa) for “certified true copy of it” substitute “true copy of it, certified by a notary”, and
 - (iv) in sub-paragraph (d)(ii), for “the Registrar” substitute “a notary”; and
- (b) in paragraph (4)(b), after “certified” insert “(by a notary)”.