
STATUTORY INSTRUMENTS

2010 No. 1620

**The Pharmacy Order 2010 (Approved
European Pharmacy Qualifications) Order 2010**

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010 and comes into force on 27th September 2010.

(2) In this Order—

“appropriate European diploma” has the meaning given in article 2; and

“reference date”, in relation to a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in Annex V, point 5.6.2 of the Directive.

(3) References in this Order to “competent authority” have effect only in relation to the practise of pharmacy by pharmacists.

(4) References in this Order to any provision of the Directive are references to that provision of the Directive as amended from time to time.

Appropriate European diplomas

2.—(1) Appropriate European diplomas are designated as being approved qualifications for the purposes of entry in Part 1 of the Register.

(2) Subject to article 7, the following diplomas are “appropriate European diplomas” for the purposes of paragraph (1)—

(a) a diploma listed in Annex V, point 5.6.2 of the Directive which has been granted in a relevant European State after its reference date and which is evidence of training commenced after that date, provided that that diploma is accompanied, where appropriate, by the certificate listed in relation to that State in the column of Annex V, point 5.6.2 of the Directive entitled “Certificate accompanying the diploma”; or

(b) any diploma which—

(i) subject to article 3, has been granted in a relevant European State before its reference date or which is evidence of training commenced before that date but completed on or after that date,

(ii) subject to article 4, was awarded by the competent authority of, or which is evidence of training started in, the territory specified in column (b) of the table in the Schedule before the date specified in the corresponding entry in column (a) of that table,

(iii) subject to article 5, is evidence of training commenced before 3 October 1990 and undertaken in the territory of the former German Democratic Republic, or

- (iv) subject to article 6, does not fall within paragraphs (i) to (iii) and is not listed in Annex V, point 5.6.2 of the Directive but which is a diploma in pharmacy granted in a relevant European State on or after its reference date.

Conditions relating to diplomas, whether listed or not, awarded in respect of training before a relevant European State's reference date

3. A diploma to which article 2(2)(b)(i) applies is only an appropriate European diploma if—
 - (a) in the case of a diploma listed in Annex V, point 5.6.2 of the Directive—
 - (i) the Registrar is satisfied (by means of a certificate from the relevant competent authority or otherwise) that the diploma guarantees that the holder's training satisfied the requirements of Article 44 of the Directive (requirements for pharmacists' training), and
 - (ii) the diploma is accompanied, where appropriate, by the certificate listed in relation to the relevant European State in which the diploma was awarded in the column of Annex V, point 5.6.2 of the Directive entitled "Certificate accompanying the diploma";
 - (b) in the case of a diploma which is not listed in Annex V, point 5.6.2 of the Directive, the diploma is accompanied by a certificate from the competent authority of the relevant European State in which the diploma was awarded which certifies that the diploma—
 - (i) is evidence of training which satisfies the requirements of article 44 of the Directive, and
 - (ii) is treated by the competent authority of the relevant European State in which it was awarded as equivalent to a diploma listed in relation to that State in Annex V, point 5.6.2 of the Directive,
 and the certificate is made available to the Registrar; or
 - (c) whether or not the diploma is listed in Annex V, point 5.6.2 of the Directive, the competent authority of a relevant European State has certified that the holder has, in a relevant European State, been effectively and lawfully engaged in the practice of an activity open to pharmacists in that State for at least three consecutive years during the five years preceding the date of the certificate, and the certificate is made available to the Registrar.

Conditions relating to old diplomas granted in respect of training commenced in the former Czechoslovakia, the former Soviet Union or the former Yugoslavia

4. A diploma to which article 2(2)(b)(ii) applies is only an appropriate European diploma if—
 - (a) the competent authority of the relevant European State specified in the appropriate row of column (c) of the table in the Schedule has certified that the diploma has, on its territory, the same legal validity as regards access to the practice of pharmacy as the diploma listed in Annex V, point 5.6.2 of the Directive in respect of their State;
 - (b) that competent authority has also certified that the holder of the diploma has, in the relevant European State specified in the appropriate row of column (c) of the table in the Schedule, been effectively and lawfully engaged in the practice of an activity open to pharmacists in that State for at least three consecutive years during the five years preceding the date of that certificate; and
 - (c) the certificate is made available to the Registrar.

Conditions relating to old diplomas granted in respect of training commenced in the former German Democratic Republic

5. A diploma to which article 2(2)(b)(iii) applies is only an appropriate European diploma if—
- (a) the diploma entitles its holder to practise pharmacy throughout the territory of Germany on the same conditions as those that apply to the holder of a diploma listed in Annex V, point 5.6.2 of the Directive in respect of Germany; and
 - (b) the competent authority in Germany has certified that the holder of the diploma has been effectively and lawfully engaged in the practice of an activity open to pharmacists in Germany for at least three consecutive years during the five years preceding the date of that certificate, and the certificate is made available to the Registrar.

Conditions relating to new diplomas

6. A diploma to which article 2(2)(b)(iv) applies is only an appropriate European diploma if the competent authority of the relevant European State that has awarded it has certified that the diploma—
- (a) is evidence of training that satisfies the requirements of article 44 of the Directive, and
 - (b) it is treated by that competent authority as equivalent to a diploma listed in Annex V, point 5.6.2 of the Directive in respect of that State; and
 - (c) the certificates are made available to the Registrar.

Justified doubts

7. A diploma is only an appropriate European diploma if—
- (a) in a case where the Council (including its Registrar) has justified doubts about the authenticity of the evidence of the diploma made available to the Council and has required the relevant competent authority's confirmation of the authenticity of the evidence, the relevant competent authority has confirmed the authenticity of the evidence;
 - (b) in a case where the Council (including its Registrar) has justified doubts about whether the holder of the diploma has completed training which satisfies the requirements of Article 44 of the Directive, and has required of the relevant competent authority confirmation of completion of such training, the relevant competent authority has confirmed completion of such training; and
 - (c) in a case where the Council (including its Registrar) has justified doubts concerning training received in a relevant European State other than that in which the diploma was awarded, and has required confirmation of the relevant competent authority in accordance with Article 50(3) of the Directive, the relevant competent authority has provided confirmation in accordance with that article.