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STATUTORY INSTRUMENTS

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**2010 No. 300**

**The General Pharmaceutical Council (Constitution) Order 2010**

**PART 2**

**Membership of the Council**

**Disqualification for appointment as a member**

5. A person is disqualified for appointment as a member of the Council if that person—
- (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
  - (b) has at any time been convicted of an offence in the United Kingdom, and—
    - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
    - (ii) the conviction is not a spent conviction;
  - (c) has at any time been removed—
    - (i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—
      - (aa) for which the person was responsible or to which the person was privy, or
      - (bb) which the person by their conduct contributed to or facilitated, or
    - (ii) under—
      - (aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990<sup>(1)</sup> (powers of the Court of Session to deal with management of charities), or
      - (bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005<sup>(2)</sup> (powers of the Court of Session),  
from being concerned with the management or control of any body.
  - (d) has at any time been removed from office as the chair, or a member, convenor or director, of any public body on the grounds that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
  - (e) at any time been adjudged bankrupt or sequestration of the person's estate has been awarded, and
    - (i) the person has not been discharged, or

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(1) 1990 c.40. Section 7 was repealed by the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), Schedule 4, paragraph 7(b).  
(2) 2005 asp 10.

- (ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986<sup>(3)</sup> or Schedule 2A of the Insolvency (Northern Ireland) Order 1989<sup>(4)</sup> or sections 56A to 56K of the Bankruptcy (Scotland) Act 1985<sup>(5)</sup> (which relate to bankruptcy restrictions orders and undertakings);
- (f) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;
- (g) is a person to whom a moratorium period under a debt relief order under Part VIIA of the Insolvency Act 1986 (debt relief orders) applies, or is the subject of a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to that Act (debt relief restrictions order and undertaking)<sup>(6)</sup>;
- (h) is subject to—
  - (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986<sup>(7)</sup>,
  - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989<sup>(8)</sup> (company directors disqualification),
  - (iii) a disqualification order or a disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(9)</sup>, or
  - (iv) an order made under section 429(2) of the Insolvency Act 1986<sup>(10)</sup> (disabilities on revocation of a county court administration order);
- (i) has been included by—
  - (i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006<sup>(11)</sup> or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007<sup>(12)</sup>), or
  - (ii) the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007<sup>(13)</sup>);
- (j) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by any licensing body, the final outcome of which was—
  - (i) the person's entry in a register held by the licensing body is suspended,
  - (ii) the person's entry is removed from a register held by the licensing body or there has been a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body, or
  - (iii) a decision allowing the person to practise that profession subject to conditions and those conditions have not been lifted;
- (k) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by the Council, in the course of which or where the final outcome was that—

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<sup>(3)</sup> 1986 c.45. Schedule 4A was inserted by section 257(2) of, and Schedule 20 to, the Enterprise Act 2002 (c.40).

<sup>(4)</sup> S.I.1989/2405 (N.I.19). Schedule 2A was inserted by S.I. 2005/1455 (N.I.10).

<sup>(5)</sup> 1985 c.66. Sections 56A to 56K were inserted by section 2(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

<sup>(6)</sup> 1986 c.45. Part VIIA was inserted by section 108(1) of, and Schedule 17 to, the Tribunals, Courts and Enforcement Act 2007 (c.15). Schedule 4ZB was inserted by section 108(2) of, and Schedule 19, to that Act.

<sup>(7)</sup> 1986 c.46.

<sup>(8)</sup> S.I.1989/2404 (N.I.18).

<sup>(9)</sup> S.I.2002/3150 (N.I.4). Relevant amendments were made by S.I.2005/1450 (N.I.9).

<sup>(10)</sup> Section 429(2) was amended by the Enterprise Act 2002 (c.40), Schedule 23, paragraph 15.

<sup>(11)</sup> 2006 c.47.

<sup>(12)</sup> S.I.2007/1351 (N.I.11).

<sup>(13)</sup> 2007 asp14.

- (i) the person's entry in the Register, or part of the Register, was suspended (including by an interim suspension order) and the order imposing that suspension has not been lifted,
  - (ii) the person's entry in the Register, or part of the Register, was removed (for a reason connected with the person's fitness to practise), or
  - (iii) the person's entry in the Register, or part of the Register, was made subject to an order imposing conditions with which the person must comply (including by an order for interim conditional entry) and that order has not been lifted;
- (l) has at any time been the subject of any investigation or proceedings relating to an allegation that the person's entry in the Register, or part of the Register, was fraudulently procured or incorrectly made, the final outcome of which was the removal of the person's entry from the Register or part of the Register;
- (m) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by—
- (i) any licensing body, or
  - (ii) the Council,
- and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registered pharmacists or pharmacy technicians; or
- (n) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registered pharmacists or pharmacy technicians.