
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Pharmacists and Pharmacy Technicians Order 2007

PART 1

Preliminary

Interpretation

3.—(1) In this Order—

“the 1954 Act” means the Pharmacy Act 1954⁽¹⁾, as in force immediately before article 1 comes into force;

“annotation” means an annotation in one of the Society’s registers;

“Appointments Commission” means the Appointments Commission established under section 57 of the Health Act 2006⁽²⁾ (the Appointments Commission);

“assessment team” means a team of persons that has the functions of an assessment team by virtue of rules under article 53;

“the Charter” means the Charter granted to the Society on 7th December 2004, as amended from time to time;

“the Council” means the Council of the Society;

“enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament;

“European mutual recognition area” means the territory of the EEA States and Switzerland;

“exempt person” means—

- (a) a national of a relevant European State other than the United Kingdom;
- (b) a national of the United Kingdom who is seeking access to the profession of pharmacists or pharmacy technicians by virtue of an enforceable Community right; or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to the profession of pharmacists or pharmacy technicians, no less favourably than a national of a relevant European State;

“fitness to practise committee” means the Investigating Committee, the Disciplinary Committee or the Health Committee;

“individual assessor” means a person who has the functions of an individual professional performance assessor by virtue of rules under article 53;

“the Pharmacy Acts” means the Pharmacy Act 1852⁽³⁾, the Pharmacy Act 1868⁽⁴⁾, the Poisons and Pharmacy Act 1908⁽⁵⁾, the Pharmacy and Poisons Act 1933⁽⁶⁾ and the 1954 Act;

⁽¹⁾ 1954 c.61.

⁽²⁾ 2006 c.28.

⁽³⁾ 1852 c.56; repealed by the Pharmacy Act 1954.

“the Pharmacy Qualifications Directive” means Council Directive [85/433/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy(7), as amended(8);

“prescribed” means prescribed by the Council in rules under this Order, and “prescribes” shall be construed accordingly;

“the register” means, unless the context otherwise requires, as respects any registrant—

- (a) the one of the Society’s registers in which he is registered; or
- (b) if he is registered in both of the Society’s registers, both registers;

“the register of pharmaceutical chemists for Northern Ireland” means the register of pharmaceutical chemists maintained under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(9);

“registered pharmacist” means a person who is registered in the Register of Pharmacists;

“registered pharmacy technician” means a person who is registered in the Register of Pharmacy Technicians;

“registrant” means a registered pharmacist or a registered pharmacy technician;

“Registrar” shall, except where used in the expression “Registrar General”, be construed in accordance with article 9(1) and (5);

“Registrar General” means—

- (a) the Registrar General for England and Wales appointed under section 1 of the Registration Service Act 1953(10) (Registrar General); or
- (b) the Registrar General for Scotland appointed under section 1(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(11) (the Registrar General);

“regulatory body” means a regulatory body which has the function of authorising persons to practise as a member of a health or social care profession;

“relevant European State” means an EEA State or Switzerland;

“the Second General System Directive” means Council Directive [92/51/EEC](#) on a second general system for the recognition of professional education and training(12), as amended(13);

(4) [1868 c.121](#); repealed by the Pharmacy Act 1954.

(5) [1908 c.55](#); repealed by the Pharmacy Act 1954.

(6) [1933 c.25](#); repealed by the Pharmacy Act 1954.

(7) OJNo. L 253, 24.9.1985, p.37.

(8) Council Directive [85/433/EEC](#) has been amended by: Council Directive [85/584/EEC](#) (OJ No. L 372, 31.12.1985, p.42); Council Directive [90/658/EEC](#) (OJ No. L 353, 17.12.1990, p.73); the Act of Accession of Austria, Sweden and Finland (OJ No. L 1, 1.1.1995, p.1); Directive [2001/19/EC](#) (OJ No. L 206, 31.7.2001, p.1); the Agreement between the European Community and its Member States, of the one part, and the Swiss confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999 (OJ No. L 114, 30.04.2002, p.36); and the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L 236, 23.9.2003, p.33). This Directive is repealed, prospectively, by Directive [2005/36/EC](#) of the Parliament and of the Council on the recognition of professional qualifications (OJ No. L 255, 30.9.2005, p.22).

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

(10) [1953 c.37](#).

(11) [1965 c.49](#); section 1(1) has been amended by the Scotland Act [1998 \(c.46\)](#), section 125.

(12) OJ No. L 209, 24.7.1992, p.25.

(13) Council Directive [92/51/EEC](#) has been amended by: Commission Directive [94/38/EC](#) (OJ No. L 217, 23.8.1994, p.8); the Act of Accession of Austria, Sweden and Finland (OJ No. L 1, 1.1.1995, p.1); Commission Directive [95/43/EC](#) (OJ No. L 184, 3.8.1995); Commission Directive [97/38/EC](#) (OJ No. L 184, 12.7.1997, p.31); Commission Directive [2000/5/EC](#) (OJ No. L 54, 26.2.2000, p.42); Directive [2001/19/EC](#) (OJ No. L 206, 31.7.2001, p.1); the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L 236, 23.9.2003, p.33); Regulation (EC) No. [1882/2003](#) (OJ No. L 284, 31.10.2003, p.1); and Commission Decision [2004/108/EC](#) (OJ No. L 32, 5.2.2004, p.15).

“the Second General System Regulations” means the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(14);

“the Society” means the Royal Pharmaceutical Society of Great Britain;

“the Society’s registers” means the Register of Pharmacists and the Register of Pharmacy Technicians; and

“statutory committees” means the committees listed in article 7(1)(a) to (f).

(2) For the purposes of this Order, a person practises as a pharmacist or a pharmacy technician if, whilst acting in the capacity of or holding himself out as a pharmacist or a pharmacy technician, he undertakes any work or gives any advice in relation to the dispensing or use of medicines, the science of medicines, the practice of pharmacy or the provision of health care.

This Directive is repealed, prospectively, by Directive [2005/36/EC](#) of the Parliament and of the Council on the recognition of professional qualifications (OJ No. L 255, 30.9.2005, p.22).

(14) [S.I. 2002/2934](#); relevant amendments are made by paragraph 29 of Schedule 1 to this Order.