
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Pharmacists and Pharmacy Technicians Order 2007

PART 4

Matters common to both of the Society's registers

Continuing professional development

39.—(1) The Council shall make such provision in rules in connection with requiring registrants who are registered in Part 1 of one of the Society's registers to undertake such continuing professional development as it considers appropriate.

(2) Rules under paragraph (1) may make provision with regard to—

- (a) the amount and type of continuing professional development that a registrant is required to undertake (as determined in accordance with article 14(h)(ii) or 25(f)(ii));
- (b) the information to be provided by a registrant in respect of the continuing professional development that he has undertaken, and the form and manner in which that information is provided (and the rules may provide that a registrant or class of registrant shall provide the information using forms that are in such form as the Continuing Professional Development Committee may determine from time to time);
- (c) the removal of a registrant from the register where the registrant has breached rules under paragraph (1) or such other remedial measures as may be prescribed (and the rules may provide for those measures to be determined, and for decisions on removal to be made, by the Continuing Professional Development Committee); and
- (d) suspending a person's registration pending the outcome of any appeal against a decision to remove the person from one of the Society's registers (and the rules may provide that decisions to suspend are to be made by the Continuing Professional Development Committee).

(3) Where the Registrar removes a person from one of the Society's registers pursuant to rules made under paragraph (1), he shall send to the person at his last known home address a statement in writing notifying him of—

- (a) the reasons for the decision; and
- (b) any right of appeal he has to the relevant court under paragraph (4).

(4) Where—

- (a) the Continuing Professional Development Committee has decided to remove a person from one of the Society's registers pursuant to rules under this article; and
- (b) prior to that decision being taken, the person had provided a return in respect of his continuing professional development that, in its form and manner and as regards the information to be provided with it, complied with the requirements of rules under this article,

that person may appeal against that decision to the relevant court, provided that he does so (subject to any rules of the relevant court in respect of the admissibility of applications to it) within 28 days

beginning with the date on which the written notice of the reasons for the decision was sent to him under paragraph (3).

- (5) In this article, “the relevant court” means—
- (a) the High Court; or
 - (b) as regards an application relating to registration in the Register of Pharmacists, if the person making the appeal is domiciled in Scotland, the Court of Session.
- (6) Having considered the appeal, the relevant court may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against;
 - (c) substitute for the decision appealed against any other decision that the Continuing Professional Committee could have taken; or
 - (d) remit the case to the Continuing Professional Development Committee for it to dispose of the matter in accordance with directions from the relevant court,

and may make such order as to costs or, in Scotland, expenses as the relevant court thinks fit.

(7) Where the Continuing Professional Development Committee has decided to remove a person from one of the Society’s registers pursuant to rules under this article, and that decision is appealable to the relevant court by virtue of paragraph (4), that decision shall not take effect—

- (a) until the period for bringing an appeal against the decision has expired; or
- (b) where an appeal is brought within the period for bringing an appeal, until the date on which the appeal is finally disposed of, or is abandoned or fails by reasons of its non- prosecution.