
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Pharmacists and Pharmacy Technicians Order 2007

PART 4

Matters common to both of the Society's registers

Restoration to the Society's registers of persons removed under Parts 2 to 4

- 41.**—(1) Where a person has been removed from a register pursuant to—
- (a) article 17(2)(b) (refusal to retain in the Register of Pharmacists);
 - (b) article 28(2)(b) (refusal to retain in the Register of Pharmacy Technicians);
 - (c) article 33(2) or (3) (failures to provide information with regard to registration entries);
 - (d) article 34(3) (entries fraudulently procured or incorrectly made);
 - (e) article 35(1) or (3) (fitness to practise matters before registration);
 - (f) rules made under article 37(1) (voluntary removal from the registers);
 - (g) article 38(8)(a) (failures to comply with requirements relating to indemnity arrangements);
 - (h) rules made under article 39(1) (failures to comply with requirements relating to continuing professional development); or
 - (i) rules made under article 40(1) (non-payment of fees),

the Registrar may restore him to the register in such circumstances as may be prescribed.

(2) The Council may make such provision in rules in connection with applications for restoration by the Registrar pursuant to paragraph (1) as it considers appropriate, and may in particular make provision with regard to—

- (a) the form and manner in which applications for restoration are to be made (and the rules may provide that applicants shall apply using application forms that are in such form as the Council may determine from time to time);
- (b) the information to be provided by the applicant;
- (c) whether any, and if so what, additional education, training or experience is required before restoration, and the rules may make provision for these issues to be determined in individual cases by the Continuing Professional Development Committee;
- (d) whether, and if so what, continuing professional development is required after restoration, and the rules may make provision—
 - (i) for these issues to be determined in individual cases by the Continuing Professional Development Committee, and
 - (ii) enabling the Continuing Professional Development Committee to determine that the application for restoration is to be granted subject to the applicant agreeing to comply with such undertakings with regard to continuing professional development as the Committee considers appropriate;

- (e) fitness to practise matters; and
- (f) refusal of applications (including where the applicant has not paid the fee prescribed under article 40(1)(a)).

(3) Where a person who has agreed to comply with an undertaking pursuant to rules under paragraph (2)(d)(ii) breaches that undertaking, that breach may be treated as misconduct for the purposes of article 48(1)(a) and the Registrar shall consider, in accordance with article 49(1), whether or not to refer the matter to the relevant fitness to practise committee.

(4) Where the Registrar refuses an application for restoration to one of the Society's registers, he shall send to the applicant 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 Registration Appeals Committee under article 43 or to a relevant court under article 56.