
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Pharmacists and Pharmacy Technicians Order 2007

PART 5

Fitness to practise

Disclosure of information: general

46.—(1) For the purpose of assisting the Society (including its Council, its staff and its committees) in carrying out functions in respect of the fitness to practise of—

- (a) a registered pharmacist, a person authorised by the Society may require—
 - (i) any registered pharmacist (except the registered pharmacist against whom the information or document is sought), or
 - (ii) any other person,

in Great Britain who in his opinion is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply the information or produce the document; or

- (b) a registered pharmacy technician, a person authorised by the Society may require—
 - (i) any registered pharmacy technician (except the registered pharmacy technician against whom the information or document is sought), or
 - (ii) any other person,

in England or Wales who in his opinion is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply the information or produce the document.

(2) Nothing in paragraph (1) shall require or permit—

- (a) any disclosure of information which is prohibited by or under any enactment, but where that prohibition arises because the information is in a form which allows for the identification of an individual, the person authorised by the Society may require that information to be put in a form which does not allow for the identification of that individual; or
- (b) the supplying of information or production of a document which a person could not be compelled to produce in civil proceedings in the High Court or the Court of Session under article 56.

(3) In determining for the purposes of paragraph (2)(a) whether a disclosure of personal data is prohibited, it shall be assumed, for the purposes of section 35(1) of the Data Protection Act 1998⁽¹⁾ (disclosures required by law or made in connection with legal proceedings etc.), that disclosure of the personal data is required by paragraph (1).

(4) If a person fails to supply any information or produce any document within 14 days of his being required to do so under paragraph (1), the Society may seek an order of the relevant court requiring the information to be supplied or the document to be produced.

(5) For the purposes of this article, the “relevant court” means—

(a) the county court; or

(b) if—

(i) the information or document relates to the fitness to practise of a registered pharmacist, and

(ii) the person against whom the order is sought is domiciled in Scotland,
the sheriff in whose sheriffdom that person is domiciled.