
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Pharmacists and Pharmacy Technicians Order 2007

PART 5

Fitness to practise

Professional performance assessments

53.—(1) The Council may make rules authorising the Registrar and fitness to practise committees to give directions, in such circumstances as may be prescribed (including during proceedings of the committee), requiring an assessment of the standard of a registrant's professional performance by an individual assessor or an assessment team.

(2) The Council may make such provision in rules in connection with the composition of professional performance assessment teams, and functions of and procedures to be followed by individual assessors and assessment teams, as it considers appropriate, and may in particular make provision with regard to—

- (a) the Society entering into arrangements with other bodies for those bodies to provide individual assessors or assessment teams to carry out the assessments;
- (b) allowing an assessment by an individual assessor or an assessment team to include an assessment of the standard of a registrant's professional performance both at any time prior to the assessment and at the time of the assessment; and
- (c) referring to the Investigating Committee or the Disciplinary Committee a case where an individual assessor or an assessment team considers that a registrant has failed to comply with a reasonable requirement that he or it has imposed on him.

(3) An individual assessor or an assessment team, in connection with carrying out an assessment of the standard of a registrant's professional performance—

- (a) may require the production of, inspect and take copies of any records (in whatever form they are held) arising out of or related to the registrant's professional practice; and
- (b) where such records are kept otherwise than in legible form, may require a copy of them to be given to the team in a legible form.

(4) Nothing in, or in rules under, this article 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, an individual assessor or an assessment team, when requiring the production of records under paragraph (3)(a), may require that the records be put in a form which does not allow for the identification of that individual; or
- (b) the production of records which a person could not be compelled to produce in civil proceedings in the High Court or the Court of Session under article 56.

(5) In determining for the purposes of paragraph (4)(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 (3).

(6) If a person fails to produce any records within 14 days of his being required to do so under paragraph (3), the Registrar or the committee on whose behalf the individual assessor or an assessment team is carrying out the assessment in connection with which the records are being sought may seek an order of the relevant court requiring the records to be produced.

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

(a) the county court (the central London county court in the case of a registered pharmacist who is not domiciled in Great Britain or a registered pharmacy technician who is not domiciled in England or Wales); or

(b) if—

(i) the records are being sought in relation to a registered pharmacist, and

(ii) the registered pharmacist is domiciled in Scotland,

the sheriff in whose sherriffdom that registered pharmacist is domiciled.

(1) 1998 c.29.