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DRAFT STATUTORY INSTRUMENTS

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**2007 No.**

**The Pharmacists and Pharmacy Technicians Order 2007**

**PART 5**

**Fitness to practise**

**Interim measures pending a direction taking effect**

**58.**—(1) Where—

- (a) the Health Committee gives a direction for suspension under article 51; or
- (b) the Disciplinary Committee gives a direction for suspension, or to remove a person from a register, under article 52,

if the Committee is satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the best interests of the person who is the subject of the direction, it may order that his registration in the register shall be suspended forthwith, pending the coming into force of the direction.

(2) Where—

- (a) the Health Committee gives a direction for conditional registration under article 51; or
- (b) the Disciplinary Committee gives a direction for conditional registration under article 52 or 55(6),

if the committee is satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the best interests of the person who is the subject of the direction, it may order that his registration in the register shall be conditional upon his compliance, pending the coming into force of the direction, with such requirements specified in the order as the Committee thinks fit to impose.

(3) Where the Health Committee or the Disciplinary Committee, as the case may be, makes an order under paragraph (1) or (2), the Registrar shall send to the person who is the subject of the order at his last known home address a statement in writing notifying him of the contents of the order and his right of appeal under paragraph (4).

(4) A registrant who is aggrieved by a decision of the Health Committee or the Disciplinary Committee to make an order under this article may appeal against that decision to the relevant court, and the court may—

- (a) dismiss the appeal;
- (b) in the case of an order under paragraph (1), terminate the suspension; and
- (c) in the case of an order under paragraph (2), revoke or vary any condition imposed by the order,

and the decision of the relevant court on any application under this paragraph shall be final.

(5) In this article “the relevant court” means—

- (a) in a case relating to a registered pharmacist who is domiciled in Scotland, the Court of Session; and
- (b) in any other case, the High Court.