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DRAFT STATUTORY INSTRUMENTS

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**2007 No.**

**The Pharmacists and Pharmacy Technicians Order 2007**

**PART 2**

Registration of pharmacists

**The Register of Pharmacists**

**10.**—(1) The Registrar shall maintain in accordance with the provisions of and rules under this Order the register established in pursuance of the Pharmacy Act 1852(1) and maintained in accordance with section 2 of the 1954 Act (the registers and registration).

(2) The register maintained under paragraph (1)—

- (a) formerly known as the Register of Pharmaceutical Chemists, shall be known as the Register of Pharmacists; and
- (b) shall be divided into two parts, and—
  - (i) the first part shall be known as “Part 1 – Practising Pharmacists”, and
  - (ii) the second part shall be known as “Part 2 – Non-practising Pharmacists”.

**Entitlement to registration in the Register of Pharmacists**

**11.**—(1) Subject to the provisions of and rules under this Order, a person shall be entitled to be registered in the Register of Pharmacists if—

- (a) he satisfies the Registrar that—
  - (i) he is appropriately qualified within the meaning given in article 12(1),
  - (ii) his fitness to practise is not impaired,
  - (iii) before registration, where necessary, he has met such requirements as to additional education, training or experience as are appropriate to his case, and
  - (iv) after registration, he meets such requirements as to continuing professional development as are appropriate to his case; and
- (b) he has paid any fee prescribed under article 40(1)(a) or (b) that relates to his registration in that register.

(2) A person who is entitled to be registered in the Register of Pharmacists is to be registered in Part 1 of that register unless he has given to the Society, in the form determined by the Registrar (which may be varied from time to time), an undertaking not to practise in Great Britain, the Channel Islands or the Isle of Man, in which case he is to be registered in Part 2 of that register.

(3) The Registrar shall treat a person who—

- (a) is an exempt person who has qualified as a pharmacist in a relevant European State other than the United Kingdom;

- (b) applies to be registered in the Register of Pharmacists; and
  - (c) is registered in the register of pharmaceutical chemists for Northern Ireland,
- as meeting the requirements of paragraph (1)(a)(i).

**Preregistration requirements for pharmacists in respect of qualifications and additional education, training or experience**

- 12.—(1) For the purposes of article 11(1)(a)(i), a person is “appropriately qualified” if—
- (a) he has a qualification awarded in Great Britain which has been approved by the Society as attesting to a standard of proficiency which, in the Society’s opinion, indicates that he has reached an adequate level of understanding for practising as a pharmacist (and so is also a recognised pharmacy qualification within other relevant European States);
  - (b) he is an exempt person and he has a qualification which the Privy Council has by order designated as being an approved qualification for the purpose of registration in the Register of Pharmacists; or
  - (c) he has, elsewhere than in Great Britain, undergone training as a pharmacist, and—
    - (i) he holds a qualification which has been approved by the Society as attesting to a standard of proficiency which, in the Society’s opinion, indicates that the person has reached an adequate level of understanding for practising as a pharmacist, or
    - (ii) he holds a qualification which—
      - (aa) in the case of an exempt person who does not have a qualification referred to in sub-paragraph (b), taken together with his additional education, training or experience acquired elsewhere than in Great Britain (but at least in part within the European mutual recognition area) indicates, in the Society’s opinion, that he has reached an adequate level of understanding for practising as a pharmacist, or
      - (bb) whether or not he is an exempt person, taken together with the additional education, training or experience that the Society requires him to undertake pursuant to article 11(1)(a)(iii), indicates, in the Society’s opinion, that he has reached an adequate level of understanding for practising as a pharmacist.
- (2) An order under paragraph (1)(b) may provide that a qualification is only to be considered an approved qualification in such circumstances, or subject to such conditions, as are specified in the order.
- (3) For the purposes of an application for entry in the Register of Pharmacists, the Registrar shall not require any exempt person to whom paragraph (1)(b) or (c)(ii)(aa) applies to meet any requirements as to additional education, training or experience, unless—
- (a) the application is for restoration to that register; and
  - (b) in so doing the Registrar is acting in a manner that is consistent with the requirements of the Treaties and the Pharmacy Qualifications Directive.
- (4) In formulating its opinion under paragraph (1)(c)(ii) in relation to an exempt person, the Society shall take into account—
- (a) if the person holds a qualification granted outside the European mutual recognition area which has been accepted by another relevant European State as qualifying him to practise as a pharmacist in that State, the acceptance of that qualification; and
  - (b) all of the person’s relevant qualifications, knowledge and experience, wherever acquired.

(5) As regards any person to whom paragraph (1)(a) or (c)(i) or (ii)(bb) applies, for the purposes of meeting the requirements of article 11(1)(a)(ii), the Registrar may require him to meet requirements as to additional education which comprise or include reaching an adequate standard of proficiency in the knowledge and use of English, unless he is an exempt person.

### **General functions of the Society in respect of pharmacists' and prospective pharmacists' education, training and the acquisition of experience**

13. The Society shall have the general functions of—
- (a) promoting high standards of education and training, and in respect of the acquisition of experience, for pharmacists and prospective pharmacists; and
  - (b) overseeing all stages of the education, training and acquisition of experience of pharmacists and prospective pharmacists in Great Britain, including—
    - (i) preregistration education, training and acquisition of experience, including both undergraduate and postgraduate education and training of prospective pharmacists,
    - (ii) post-registration education, training and acquisition of experience required for continuing professional development or required for education, training and acquisition of experience in respect of specialisations, and
    - (iii) education, training and acquisition of experience for persons seeking restoration to the Register of Pharmacists.

### **Specific obligations of the Society in respect of pharmacists' and prospective pharmacists' education, training and the acquisition of experience**

14. In connection with discharging the functions mentioned in article 13, the Society shall—
- (a) determine—
    - (i) the nature of the knowledge and skills, and
    - (ii) the nature, extent and content of, and method of assessment for, the education, training and experience,  
required for a person qualifying in Great Britain to be considered appropriately qualified for the purposes of article 11(1)(a)(i);
  - (b) approve qualifications under article 12(1)(a);
  - (c) accredit degree courses for prospective pharmacists (including degree courses in Northern Ireland) and approve providers of such courses;
  - (d) approve providers, including tutors, of postgraduate education and training for prospective pharmacists which leads to an approved qualification, and approval under this paragraph may be limited to the provision of education and training at specified premises;
  - (e) determine, as regards the tutors mentioned in paragraph (d)—
    - (i) the nature of the education, training or experience required of them,
    - (ii) any assessment arrangements in respect of them, and
    - (iii) their role and function;
  - (f) determine the arrangements for determining, in accordance with article 12(1)(c)(ii), that a person has reached an adequate level of understanding for practising as a pharmacist;
  - (g) determine assessment arrangements for—
    - (i) postgraduate education and training for prospective pharmacists which leads to an approved qualification, or

- (ii) any additional education, training or experience required for the purposes of article 11(1)(a)(iii); and
- (h) determine the nature, extent and content of the education, training, experience and continuing professional development required for the purposes of article 11(1)(a)(iii) and (iv), or for the purposes of obtaining annotations in respect of specialisations, including—
  - (i) preregistration programmes or courses in respect of, or any combination of, education, training or acquiring experience,
  - (ii) the amount and type of continuing professional development that registrants are required to undertake,
  - (iii) the amount and type of education, training and experience required in order to obtain annotations in respect of specialisations,
  - (iv) education and training to address fitness to practise matters, and
  - (v) education, training and acquisition of experience in respect of persons seeking restoration to the Register of Pharmacists or to move from Part 2 to Part 1 of that register.

**Specific powers of the Society in respect of pharmacists' and prospective pharmacists' education, training and the acquisition of experience**

15. In connection with discharging the functions mentioned in article 13, the Society may—
- (a) approve premises as being suitable for postgraduate education and training of prospective pharmacists;
  - (b) approve qualifications for the purposes of article 12(1)(c)(i);
  - (c) approve providers of particular types of education, training, experience or continuing professional development required for the purposes of article 11(1)(a)(iii) or (iv), or in respect of specialisations, and approval under this paragraph may be limited to activities at specified premises;
  - (d) approve programmes or courses in respect of particular types of education, training or continuing professional development required for the purposes of article 11(1)(a)(iii) or (iv), or in respect of specialisations;
  - (e) determine the arrangements (including, where appropriate, the minimum qualifications of candidates) under which a person may participate in assessment programmes or courses for prospective pharmacists;
  - (f) hold or cause to be held assessments in respect of—
    - (i) approved qualifications, or any education, training or experience leading to an approved qualification,
    - (ii) additional education, training or experience required for the purposes of article 11(1)(a)(iii), and
    - (iii) becoming and acting as the tutors referred to in article 14(d),
 and determine the arrangements under which those assessments are to be held (including arrangements for dealing with disciplinary matters with regard to candidates and prospective candidates);
  - (g) appoint or arrange for the appointment of persons (“examiners”) to carry out or oversee assessments of the types mentioned in article 14(g), or paragraph (f) of this article, and pay them or arrange for payment to them of appropriate remuneration and allowances (equally, the Society may determine arrangements under which assessments are to be held which do not involve examiners);

- (h) charge fees in respect of—
  - (i) commencing preregistration education or training, other than undergraduate education or training, which is co-ordinated by the Society, and
  - (ii) assessments of the types mentioned in paragraph (f) that the Society holds or causes to be held; and
- (i) determine—
  - (i) subject to any exceptional arrangements under sub-paragraph (iii), the maximum number of times that a candidate may attempt any assessment arrangements in respect of any education, training or experience leading to an approved qualification,
  - (ii) subject to any exceptional arrangements under sub-paragraph (iii), the shortest and longest periods for successful completion of approved qualifications or particular types of additional education, training or experience (including accredited courses or programmes), and
  - (iii) in individual cases, exceptional arrangements for the successful completion of approved qualifications or particular types of additional education, training or experience by a candidate or prospective candidate for whom the Society considers it appropriate to make adjustments to the standard arrangements.

#### **Supplemental matters in connection with articles 14 and 15**

**16.**—(1) The Society may enter into arrangements with another body for that body to assist the Society in carrying out its functions under articles 14 and 15.

(2) Approval or accreditation may be granted under articles 14 and 15 in respect of a programme or course of education or training that only provides part of the education or training needed for an approved or accredited course or programme, or for an approved qualification, where the Society is satisfied that there are appropriate arrangements in place for persons participating in the education or training to receive the remainder of the education or training necessary for the approved or accredited course or programme, or for the approved qualification, elsewhere.

(3) The Council may make such provision in rules in connection with—

- (a) authorising the Registrar to perform any of the Society’s functions under articles 14 and 15;
- (b) the making, varying, suspending or revoking of any determination under articles 14 and 15;
- (c) as regards approvals or accreditations under articles 14 and 15—
  - (i) granting (including provisionally granting) or refusing any approval or accreditation,
  - (ii) probationary arrangements (including action plans for providers of new courses) or the imposition of remedial measures, and
  - (iii) appeals related to paragraphs (i) and (ii); and
- (d) appeals by candidates and prospective candidates in relation to the assessment arrangements determined under articles 14 and 15,

as it considers appropriate.

(4) The Council shall provide in rules for the procedure to be followed (including, where appropriate, the appeals procedure) for withdrawing or suspending any approval or accreditation that the Society has granted under articles 14 and 15.

(5) In making, varying, suspending or revoking any determination mentioned in this article, or granting, refusing, suspending or withdrawing any accreditation or approval mentioned in this article, the Society shall ensure that the relevant requirements of—

- (a) the Treaties;

- (b) the Pharmacy Qualifications Directive; and
- (c) the Council Directive [85/432/EEC](#) concerning the co-ordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy<sup>(2)</sup>, as amended<sup>(3)</sup>,

are met, and shall act in a manner which is consistent with those requirements.

(6) Determinations, approvals and accreditations mentioned in this article shall be published by the Society in such manner as it sees fit.

### **Form, manner and content of applications for registration in the Register of Pharmacists or retention in that register**

17.—(1) The Council may make such provision in rules in connection with applications for registration in the Register of Pharmacists, or for retention in that register, as it considers appropriate, and may in particular make provision with regard to—

- (a) the form and manner in which applications are to be made (and the rules may provide that applicants shall apply using application forms and presenting certificates that are in such form as the Council may determine from time to time);
  - (b) the information to be provided by or in respect of the applicant, including—
    - (i) the name under which he practises or intends to practise, or in the case of a person who does not intend to practise, the name by which he is generally known,
    - (ii) his home address, and
    - (iii) the information to be provided for the purposes of determining whether the applicant's fitness to practise is impaired; and
  - (c) consultation, as regards the application, with a fitness to practise committee.
- (2) The Registrar may—
- (a) refuse to register an applicant for entry in the Register of Pharmacists; or
  - (b) refuse to retain in that register a person who wishes to be retained in that register, and so remove him from it,

if he fails to comply with, or if in respect of him there is a failure to comply with, rules made under paragraph (1).

(3) If a person who is registered in the Register of Pharmacists fails to comply with rules made under paragraph (1) in respect of applications for retention in that register, or there is a failure to comply with such rules in respect of him, the failure 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) As regards an exempt person (“E”) who is making an application for entry in the Register of Pharmacists, the Registrar shall accept as sufficient evidence that his fitness to practise is not impaired a document—

- (a) to which paragraph (5) applies, as regards his physical or mental health; and
- (b) to which paragraph (6) applies, as regards his good character or repute,

if it is presented to the Registrar within the period of three months beginning with its date of issue.

(5) This paragraph applies to a document that attests to E's good physical and mental health, and—

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(2) OJNo. L 253, 24.9.1985, p.34.

(3) Council Directive [85/432/EEC](#) has been amended by Directive [2001/19/EC](#) (OJ No. L 206, 31.7.2001, p.1).

- (a) which is required in E’s relevant European State of origin or the relevant European State from which he comes (“E’s attesting State”), if he wishes to start practising as a pharmacist there; or
- (b) if—
  - (i) no such document as mentioned in sub-paragraph (a) is required in E’s attesting State, and
  - (ii) rules under paragraph (1) require the presentation of a certificate attesting to an applicant’s good physical and mental health in a particular form, which is issued by a competent authority in E’s attesting State and which is in a form that corresponds to that particular form.
- (6) This paragraph applies to a document that attests to E’s good character or repute—
  - (a) which is required in E’s attesting State, if he wishes to start practising as a pharmacist there; or
  - (b) if no such document as mentioned in sub-paragraph (a) is required in E’s attesting State—
    - (i) containing an extract from the judicial record issued by a competent authority in E’s attesting State, or
    - (ii) which is a certificate issued by a competent authority in E’s attesting State and which is equivalent to an extract from that State’s judicial record,

unless that document may be or has been revised or rescinded as a consequence of an approach made by the Society to the competent authority which issued it, in accordance with article 8(3) of the Pharmacy Qualifications Directive.

#### **Notification of decisions on applications for entry in the Register of Pharmacists**

**18.**—(1) Where a person applies to have his name registered in the Register of Pharmacists, the Registrar shall, within the specified period, give the applicant notice—

- (a) of his decision on the application; and
  - (b) if he refuses the application, of any right of appeal the applicant has to the Registration Appeals Committee.
- (2) In this article, “the specified period” means—
- (a) the period of three months beginning with the date on which the Registrar receives the application with full supporting documentation and the relevant fee; or
  - (b) in the case of an exempt person, such longer period as is permitted by article 12 of the Pharmacy Qualifications Directive.

#### **Relationship between registration in the Register of Pharmacists and membership of the Society**

**19.** If a person is registered in the Register of Pharmacists, he is a member of the Society, but if he ceases (whether permanently or because his registration is suspended) to be so registered, he also ceases to be a member of the Society.

#### **Offences relating to the Register of Pharmacists**

- 20.**—(1) A person commits an offence if—
- (a) he falsely represents that—
    - (i) he is registered in the Register of Pharmacists,

- (ii) he is registered in a particular part of the Register of Pharmacists, or
  - (iii) his registration in the Register of Pharmacists has a particular annotation; or
- (b) he uses—
- (i) the title “registered pharmacist” without being registered in the Register of Pharmacists, or
  - (ii) a title in respect of a particular annotation, which is a prescribed specialist title, where he does not have an entry in the Register of Pharmacists with that particular annotation.
- (2) For the purposes of paragraph (1)(b)(ii), “prescribed specialist title” means a title for a pharmacist which the Council prescribes as being a title that is only to be used by a registrant with a particular annotation.
- (3) A person commits an offence if he practises as a pharmacist whilst being registered in Part 2 of the Register of Pharmacists.
- (4) A person who exhibits any certificate purporting to be a certificate of registration issued under—
- (a) article 32 in respect of a registered pharmacist but which is not a certificate of registration issued under that article in respect of a registered pharmacist; or
  - (b) one of the Pharmacy Acts in respect of a pharmaceutical chemist but which is not a certificate of registration issued under one of those Acts in respect of a pharmaceutical chemist,
- commits an offence.
- (5) If a person—
- (a) uses, or lends to or allows to be used by any other person, a certificate of registration in respect of a pharmacist or pharmaceutical chemist (whether issued under article 32 or one of the Pharmacy Acts); or
  - (b) makes or has in his possession any document closely resembling such a certificate,
- for fraudulent purposes, he commits an offence.
- (6) Any person who commits an offence under—
- (a) paragraph (1) or (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale; or
  - (b) paragraph (4) or (5) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.