
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Pharmacists and Pharmacy Technicians Order 2007

PART 3

Registration of pharmacy technicians

The Register of Pharmacy Technicians

21.—(1) The Registrar shall establish and maintain in accordance with the provisions of and rules under this Order a register of pharmacy technicians.

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

(a) shall be known as the Register of Pharmacy Technicians; and

(b) shall be divided into two parts, and—

(i) the first part shall be known as “Part 1 – Practising Pharmacy Technicians”, and

(ii) the second part shall be known as “Part 2 – Non-practising Pharmacy Technicians”.

Entitlement to registration in the Register of Pharmacy Technicians

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

(a) he satisfies the Registrar that—

(i) he is appropriately qualified within the meaning given in article 23(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 Pharmacy Technicians 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 England, Wales, the Channel Islands or the Isle of Man, in which case he is to be registered in Part 2 of that register.

Preregistration requirements for pharmacy technicians in respect of qualifications and additional education, training or experience

23.—(1) For the purposes of article 22(1)(a)(i), a person is “appropriately qualified” if—

(a) he has a qualification awarded in England or Wales 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 pharmacy technician;

- (b) he is an exempt person and he has a right to practise as a pharmacy technician by virtue of the Second General System Regulations (having successfully completed any adaptation period or aptitude test that he may be required to complete pursuant to those Regulations); or
- (c) he has, elsewhere than in England or Wales, undergone training as a pharmacy technician, 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 pharmacy technician, or
 - (ii) he holds a qualification which—
 - (aa) in the case of an exempt person who does not have the right to practise referred to in sub-paragraph (b), taken together with his additional education, training or experience acquired elsewhere than in England or Wales (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 pharmacy technician, or
 - (bb) whether or not he is an exempt person, taken together with his additional education, training or experience that the Society requires him to undertake pursuant to article 22(1)(a)(iii), indicates, in the Society’s opinion, that he has reached an adequate level of understanding for practising as a pharmacy technician,

having successfully completed any adaptation period or aptitude test that he may be required to complete pursuant to the Second General System Regulations.

(2) For the purposes of an application for entry in the Register of Pharmacy Technicians, the Registrar shall not require any exempt person to whom paragraph (1)(b) applies to meet any requirements as to additional education, training or experience, unless—

- (a) the application is for restoration to the Register of Pharmacy Technicians; and
- (b) in so doing the Registrar is acting in a manner that is consistent with the requirements of the Treaties and the Second General Systems Directive.

(3) In formulating its opinion under paragraph (1)(c) 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 pharmacy technician in that State, the acceptance of that qualification; and
- (b) all other qualifications, knowledge and experience, wherever acquired, which are relevant to the determination of the application.

(4) 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 22(1)(a)(iii), 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 pharmacy technicians’ and prospective pharmacy technicians’ education, training and the acquisition of experience

24. 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 pharmacy technicians and prospective pharmacy technicians; and
- (b) overseeing all stages of the education, training and acquisition of experience of pharmacy technicians and prospective pharmacy technicians in England and Wales, including—
 - (i) preregistration education, training and acquisition of experience,
 - (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 Pharmacy Technicians.

Specific obligations of the Society in respect of pharmacy technicians' and prospective pharmacy technicians' education, training and the acquisition of experience

25. In connection with discharging the functions mentioned in article 24, 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 England and Wales to be considered appropriately qualified for the purposes of article 22(1)(a)(i);
- (b) approve qualifications under article 23(1)(a);
- (c) approve or accredit programmes or courses of education and training for prospective pharmacy technicians;
- (d) determine the arrangements for determining, in accordance with article 23(1)(c)(ii), that a person has reached an adequate level of understanding for practising as a pharmacy technician;
- (e) determine assessment arrangements for any additional education, training or experience required for the purposes of article 22(1)(a)(iii); and
- (f) determine the nature, extent and content of the education, training, experience and continuing professional development required for the purposes of article 22(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 Pharmacy Technicians or to move from Part 2 to Part 1 of that register.

Specific powers of the Society in respect of pharmacy technicians' and prospective pharmacy technicians' education, training and the acquisition of experience

26. In connection with discharging the functions mentioned in article 24, the Society may—

- (a) approve providers of the programmes or courses mentioned in article 25(c), and approval under this paragraph may be limited to the provision of programmes or courses at specified premises;
- (b) approve premises as being suitable for education and training of prospective pharmacy technicians;
- (c) approve qualifications for the purposes of article 23(1)(c)(i);
- (d) approve providers of particular types of education, training, experience or continuing professional development required for the purposes of article 22(1)(a)(iii) or (iv), or in respect of specialisations, and approval under this paragraph may be limited to activities at specified premises;
- (e) approve programmes or courses in respect of particular types of education, training or continuing professional development required for the purposes of article 22(1)(a)(iii) or (iv), or in respect of specialisations;
- (f) determine the arrangements (including, where appropriate, the minimum qualifications of candidates) under which a person may participate in assessment programmes or courses for prospective pharmacy technicians;
- (g) hold or cause to be held assessments in respect of—
 - (i) approved qualifications, or any education, training or experience leading to an approved qualification, and
 - (ii) additional education, training or experience required for the purposes of article 22(1)(a)(iii),
 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);
- (h) appoint or arrange for the appointment of persons (“examiners”) to carry out or oversee assessments of the types mentioned in article 25(e), or paragraph (g) 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);
- (i) charge fees in respect of —
 - (i) commencing preregistration education or training which is co-ordinated by the Society, and
 - (ii) assessments of the types mentioned in paragraph (g) that the Society holds or causes to be held; and
- (j) 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 25 and 26

27.—(1) The Society may enter into arrangements with another body for that body to assist the Society in carrying out its functions under articles 25 and 26.

(2) Approval or accreditation may be granted under articles 25 and 26 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 25 and 26;
- (b) the making, varying, suspending or revoking of any determination under articles 25 and 26;
- (c) as regards approvals or accreditations under articles 25 and 26—
 - (i) granting (including provisionally granting) or refusing any approval or accreditation,
 - (ii) probationary arrangements (including action plans for 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 25 and 26,

as it considers appropriate.

(4) The Council shall provide in rules for the procedure to be followed (including, where appropriate, the appeals procedure) for suspending or withdrawing any approval or accreditation that the Society has granted under articles 25 and 26.

(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 and;
- (b) the Second General System Directive,

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

(6) The 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 Pharmacy Technicians or retention in that register

28.—(1) The Council may make such provision in rules in connection with applications for registration in the Register of Pharmacy Technicians, 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 Pharmacy Technicians; 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 Pharmacy Technicians 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.

Offences relating to the Register of Pharmacy Technicians

29.—(1) A person commits an offence if—

- (a) he falsely represents that—
 - (i) he is registered in the Register of Pharmacy Technicians,
 - (ii) he is registered in a particular part of the Register of Pharmacy Technicians, or
 - (iii) his registration in the Register of Pharmacy Technicians has a particular annotation;
 or
- (b) he uses—
 - (i) subject to paragraph (3), the title “pharmacy technician” or “registered pharmacy technician” without being registered in the Register of Pharmacy Technicians, 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 Pharmacy Technicians with that particular annotation.

(2) For the purposes of paragraph (1)(b)(ii), “prescribed specialist title” means a title for a pharmacy technician which the Council prescribes as being a title that is only to be used by a registrant with a particular annotation.

(3) A person may use the title “pharmacy technician” without committing an offence under paragraph (1)(b)(i) until—

- (a) the end of a period of two years beginning on the day this article comes into force; or
- (b) if—
 - (i) he has applied to be registered in the Register of Pharmacy Technicians during that two year period, and
 - (ii) his application (including any appeal) has not been disposed of during that two year period,
 his application (including any appeal) has been disposed of.

(4) A person commits an offence if he practises as a pharmacy technician whilst being registered in Part 2 of the Register of Pharmacy Technicians.

(5) A person who exhibits any certificate purporting to be a certificate of registration issued under article 32 in respect of a registered pharmacy technician but which is not a certificate of registration issued under that article in respect of a registered pharmacy technician commits an offence.

(6) 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 pharmacy technician issued under article 32; or

(b) makes or has in his possession any document closely resembling such a certificate,

for fraudulent purposes, he commits an offence.

(7) Any person who commits an offence under—

(a) paragraph (1) or (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale; or

(b) paragraph (5) or (6) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.