
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Pharmacists and Pharmacy Technicians Order 2007

PART 7

Miscellaneous

General fees

63.—(1) Subject to paragraph (2), the Society may charge such fees in connection with the exercise of its, the Council's or its statutory committees' functions as it may reasonably determine.

(2) No fee may be charged, pursuant to paragraph (1), in connection with the exercise of a function where provision is made for the charging of a fee in connection with the exercise of that function elsewhere in this Order.

Education and training outside the United Kingdom

64.—(1) The Society may perform the following functions outside the United Kingdom—

- (a) accreditation of degree courses for prospective pharmacists and approval of providers of such courses;
- (b) approval or accreditation of programmes or courses of education and training for prospective pharmacy technicians;
- (c) approval of courses for, or providers of, postgraduate education and training for prospective pharmacists;
- (d) approval of premises as being suitable for postgraduate education and training of prospective pharmacists;
- (e) approval of courses for, or providers of, preregistration additional education, training or experience for prospective pharmacists and prospective pharmacy technicians; and
- (f) approval of courses for, or providers of, additional education, training or experience for pharmacists and pharmacy technicians either for continuing professional development or for the purposes of obtaining annotations to professional registers,

and it may enter into arrangements with a body outside the United Kingdom to assist it in the performance of the functions referred to in sub-paragraphs (a) to (f) or to perform those functions on its behalf.

(2) Approval or accreditation pursuant to paragraph (1) may—

- (a) be made subject to conditions (such as limiting approval of a course to the provision of that course at specified premises); and
- (b) be 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 and 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.

Prosecutions

65. Notwithstanding anything in any enactment, proceedings for an offence under this Order may be begun—

- (a) in England and Wales, at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the Society to justify a prosecution came to the Society's knowledge;
- (b) in Scotland, at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify a prosecution came to the prosecutor's knowledge; or
- (c) within a period of two years beginning with the date of the commission of the offence,

whichever period first expires.

Rules

66.—(1) Any power to make rules under this Order may be exercised—

- (a) so as to make different provision—
 - (i) with respect to different cases or different classes of cases, or
 - (ii) in respect of the same case or class of case for different purposes;
- (b) in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions; or
- (c) so as to make any supplementary, incidental, consequential, transitional, transitory or saving provision which the Council considers necessary or expedient.

(2) The Council shall ensure that its rule making powers under this Order are exercised in such a way so as to ensure that its rules are and remain consistent with the requirements of the Treaties, the Pharmacy Qualifications Directive and the Second General System Directive.

(3) Before making rules under Part 6 of this Order, the Council shall consult—

- (a) Primary Care Trusts in England;
- (b) Local Health Boards in Wales; and
- (c) unless the rules relate exclusively to proceedings with regard to pharmacy technicians, Health Boards in Scotland.

(4) No rules made under this Order, apart from rules made solely under article 40 (or article 40 together with paragraph (1)), shall come into force until approved by order of the Privy Council.

(5) The Privy Council may approve rules submitted to them for approval either in the form submitted to them or subject to such modifications as appear to them requisite.

Amendments, repeals and revocations

67. The amendments, repeals and revocations contained in Schedule 1 shall have effect.

Transitional provisions

68.—(1) The transitional provisions contained in Schedule 2 shall have effect.

(2) The Privy Council may by order make such further transitional, transitory or saving provisions as it considers appropriate.

Privy Council procedures etc.

69.—(1) Any power vested in the Privy Council to make an order under this Order may be exercised by any two or more members of the Privy Council.

(2) Any power of the Privy Council to make an order under this Order shall be exercisable by statutory instrument, and except for an order made solely in respect of—

- (a) approving byelaws under paragraph 4(1) of Schedule 2; or
- (b) approving rules made under—
 - (i) article 16 (or article 16 together with article 66(1)),
 - (ii) article 27 (or article 27 together with article 66(1)),
 - (iii) article 30 (or article 30 together with article 66(1)),
 - (iv) article 31 (or article 31 together with article 66(1)),
 - (v) article 36 (or article 36 together with article 66(1)),
 - (vi) article 37 (or article 37 together with article 66(1)), or
 - (vii) article 39 (or article 39 together with article 66(1)),

an order of the Privy Council under this Order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Paragraph (2) and article 66(4) do not preclude the inclusion of rules under article 16, 27, 30, 31, 36, 37, 39 or 40 in a set of rules which is to be approved by an order of the Privy Council that is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946(1) (definition of “Statutory Instrument”), paragraph (2) shall have effect as if contained in an Act of Parliament.

(5) Any act of the Privy Council under this Order shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(6) Where an order or act of the Privy Council under this Order is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that shall be evidence, and in Scotland sufficient evidence, of—

- (a) the fact that the instrument was duly made, or the act duly done; and
- (b) the instrument’s terms.

(1) 1946 c.36; section 1 has been amended by the Government of Wales Act 1998 (c.38), Schedule 12, paragraph 2.