

SCHEDULE 2

TRANSITIONAL PROVISIONS

PART 3

Outstanding registration cases

Outstanding referrals to, and cases before, the Statutory Committee where no direction has been given

7.—(1) Where—

- (a) before the appointed day, an application for registration in or restoration to the Register of Pharmacists has been referred to the Statutory Committee;
- (b) immediately before the appointed day there was no direction of the Statutory Committee in force in relation to the applicant; and
- (c) an inquiry has not already opened in respect of the application,

the Statutory Committee shall refer the application to the Registrar (together with such advice on the application as the Committee considers appropriate) for him to dispose of it in accordance with the provisions of and rules under Parts 2 and 4 of this Order.

(2) Where—

- (a) before the appointed day, an application for registration in or restoration to the Register of Pharmacists has been referred to the Statutory Committee;
- (b) immediately before the appointed day there was no direction of the Statutory Committee in force in relation to the applicant; and
- (c) an inquiry has already opened in respect of the application (including where a decision on the application has been postponed),

the Statutory Committee shall dispose of the matter in accordance with the old rules and the provisions of the 1954 Act, and any appeal shall be disposed of in accordance with sections 10 and 11 of that Act.

(3) Where a person's name has been removed from the Register of Pharmacists under section 12(1) of the 1954 Act and immediately before the appointed day there was no direction of the Statutory Committee in force in relation to that person, if he applies to be restored to the register within one year of the appointed day, the Registrar—

- (a) may, in such cases as he considers it appropriate to do so, determine the application in accordance with section 12(2) of the 1954 Act; and
- (b) shall in any event dispose of the matter in such manner as he considers just.

Outstanding appeals to the Council

8.—(1) Where, before the appointed day, a person was entitled, by virtue of section 2(2) or (2B) of the 1954 Act⁽¹⁾, to appeal to the Council against a decision of the Registrar that he is not qualified to have his name registered in the Register of Pharmacists, or against the failure of the Registrar to give notice of a decision on his application within the specified period—

(1) Subsection (2) was amended by [S.I. 1987/2202](#) and subsection (2B) was inserted by [S.I. 2003/3148](#).

- (a) whether or not he has appealed to the Council before the appointed day, he may appeal to the Council against that decision or failure to give notice, provided he does so within the specified period for bringing an appeal; and
 - (b) on the appeal, the Council—
 - (i) may determine that his name is to be entered in the Register of Pharmacists, and
 - (ii) shall in any event dispose of the matter in such manner as it considers just.
- (2) A person whose appeal is determined by the Council in accordance with sub-paragraph (1) and is dismissed may appeal to the relevant court, provided that he does so (subject to any rules of the relevant court in respect of the admissibility of applications to it) within 28 days beginning with the date on which the Council notified him of the decision against which he is appealing.
- (3) Section 4B(2) and (3) of the 1954 Act⁽²⁾ shall apply to an appeal under sub-paragraph (2) as they apply to an appeal under section 4B(1) of that Act.

Outstanding appeals to the county court or the sheriff

9. Where an appeal has been brought under section 4B(1) of the 1954 Act before the appointed day, the relevant court shall dispose of that appeal in accordance with section 4B(2) and (3) of that Act.

(2) Section 4B was inserted by [S.I. 2003/3148](#).