
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Pharmacy Order 2010

PART 4

Registration

Restoration to the Register of persons or premises removed from the Register

37.—(1) Where the entry of a person in the Register has been removed from the Register—

- (a) under article 25(3) pursuant to a decision by the Registrar under article 23(2)(b) to refuse to renew that entry;
- (b) pursuant to article 28(2) or (3);
- (c) pursuant to article 29(3);
- (d) pursuant to article 30(1) or (3);
- (e) pursuant to rules made under article 31;
- (f) pursuant to article 32(8)(a); or
- (g) by reason of a failure by that person to comply with the requirements or conditions of the framework adopted by the Council under article 43(4)(a) or by reason of a false declaration made by that person about compliance with those requirements or conditions,

the Registrar may, upon an application being made to the Registrar by that person, restore that person to the Register in such circumstances as may be prescribed.

(2) Where the entry of a registered pharmacy has been removed from the Register—

- (a) under article 14(4)(a) because the person who was carrying on a retail pharmacy business at the registered pharmacy failed to comply with the provisions of an improvement notice; or
- (b) under rules made under section 74G of the Medicines Act 1968⁽¹⁾ (voluntary removal from the register: Great Britain),

the Registrar may, upon an application being made to the Registrar by the person who, immediately prior to the removal, was carrying on the retail pharmacy business at the registered pharmacy, restore that pharmacy to the Register in such circumstances as may be prescribed.

(3) The Council may make such provision in rules as it considers appropriate in connection with applications for restoration pursuant to paragraphs (1) and (2) and may, in particular, make provision with regard to—

- (a) the form and manner in which applications are to be made (including rules to the effect that applicants must apply using application forms that are in such form as the Council may determine from time to time);
- (b) the information to be provided by the applicant; and

(1) 1968 c.67. Section 74G is inserted into the Act by paragraph 1(8) of Schedule 4 to this Order.

- (c) in the case of applications for restoration made in respect of individuals—
 - (i) fitness to practise matters;
 - (ii) whether any, and if so what, additional education, training or experience is required before restoration, and the rules may make provision for these issues to be determined in individual cases by the Registrar,
 - (iii) whether, and if so what, continuing professional development is required after restoration, and the rules may make provision—
 - (aa) for these issues to be determined in individual cases by the Registrar, and
 - (bb) enabling the Registrar to determine that the application for restoration is to be granted subject to the applicant agreeing to comply with such undertakings with regard to continuing professional development as the Registrar considers appropriate; and
- (d) refusal of applications (including where the applicant has not paid the fee prescribed under article 36(1)(b)).

(4) Where a person who has agreed to comply with an undertaking pursuant to rules made under paragraph (3)(c)(ii)(bb) breaches that undertaking, that breach may be treated as misconduct for the purposes of article 51(1)(a) and the Registrar must consider, in accordance with article 52(1), whether or not to refer the matter to the Investigating Committee or (where rules under article 52(1) so provide) the Fitness to Practise Committee.

(5) Where the Registrar refuses an application for restoration to Part 1, 2, 4 or 5 of the Register, the Registrar must send to the applicant at the applicant's last known home address a statement in writing giving the applicant notice of the decision and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

(6) Where the Registrar refuses an application for restoration to Part 3 of the Register, the Registrar must send to the person who, immediately prior to the removal of the entry of the registered pharmacy, was carrying on a retail pharmacy business at the registered pharmacy a statement in writing giving that person notice of the decision and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

- (7) The notice under paragraph (6) must be sent—
- (a) where the person who was carrying on the business is an individual, to that individual at that individual's home address in the Register;
 - (b) where the person who was carrying on the business is a partnership, to that partnership at its principal office; or
 - (c) where the person who was carrying on the business is a body corporate, to that body corporate at its registered or principal office.