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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Pharmacy Order 2010**

**PART 4**

**Registration**

**Appealable decisions**

**39.**—(1) Subject to paragraph (2), the following decisions are appealable decisions for the purposes of article 40—

- (a) a decision under Part 3 of the General Systems Regulations to require an exempt person to whom article 21(1)(c) or 22(1)(b) applies to complete an adaptation period, or pass an aptitude test, before deciding whether that person is “appropriately qualified” for the purposes of article 20(1)(a)(i);
- (b) a decision by the Registrar to refuse to enter a person in Part 1 or 2 of the Register as a pharmacist or a pharmacy technician (excluding restoration cases);
- (c) a decision by the Registrar to refuse to enter a person in Part 4 or 5 of the Register (excluding restoration cases);
- (d) a decision by the Registrar under article 23(2)(b) to refuse to renew an entry of a registrant in Part 1 or 2 of the Register;
- (e) a decision by the Registrar under paragraph 5 or 14 of Schedule 2 to refuse to renew the entry of a visiting practitioner in Part 4 or 5 of the Register;
- (f) a decision by the Registrar to refuse to enter, renew or restore an annotation in any part of the Register in respect of a specialisation pursuant to rules under article 27(1);
- (g) a decision by the Registrar to remove an annotation in respect of a specialisation from any part of the Register pursuant to rules under article 27(1);
- (h) a decision by the Registrar to remove the entry of a registrant from Part 1 or 2 of the Register pursuant to article 28(2) or (3);
- (i) a decision by the Registrar to remove the entry of a registrant from Part 1, 2, 4 or 5 of the Register or a registered pharmacy from Part 3 of the Register pursuant to article 29(3) (a) or (b);
- (j) a decision by the Registrar to remove the entry of a registrant from Part 1 or 2 of the Register pursuant to article 30(1) or (3);
- (k) a decision by the Registrar to remove an entry of a registrant from Part 1 or 2 of the Register under article 32(8)(a);
- (l) a decision by the Registrar to refuse an application for restoration of a person’s entry in Part 1, 2, 4 or 5 of the Register but only if the decision is for a reason that does not relate to a person’s fitness to practise;
- (m) a decision by the Registrar in accordance with rules made by the Council under article 43(7) to suspend the entry of a registrant in the Register or to remove such an entry from

- the Register on the ground that the registrant has failed to comply with the requirements or conditions of the framework adopted by the Council under article 43(4)(a) or has made a false declaration about compliance with those requirements or conditions;
- (n) a decision by the Council under article 47(7)(a) or (b) to refuse to approve, or to withdraw approval from, any education, training, qualification, test or institution or other provider or to impose probationary or remedial measures on an institution or other provider;
  - (o) a decision by the Registrar to refuse to enter a person in Part 2 of the Register under paragraph 6(2) of Schedule 5 on the ground that the person does not have the requisite knowledge, skill and experience for practising as a pharmacy technician in Great Britain;
  - (p) a decision by the Registrar under section 74A of the Medicines Act 1968<sup>(1)</sup> (registration of premises: Great Britain) to refuse to enter premises in Part 3 of the Register or to refuse to renew the entry of premises in Part 3 of the Register;
  - (q) a decision by the Registrar under section 74H of the Medicines Act 1968<sup>(2)</sup> (change of ownership of retail pharmacy business: Great Britain) not to restore an entry of premises to Part 3 of the Register;
  - (r) a decision by the Registrar under paragraph (4) of article 14 to suspend or remove an entry of premises in Part 3 of the Register; and
  - (s) a decision which, by virtue of rules under this Order, may be appealed to the Appeals Committee.
- (2) A decision is not an appealable decision if it was taken—
- (a) because of a failure to pay any fee prescribed under article 36(1); or
  - (b) because the applicant is not appropriately qualified, in circumstances where the applicant contends that the applicant's qualifications should be approved by the Council pursuant to article 21(1)(d)(i) or 22(1)(c)(i).

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<sup>(1)</sup> Section 74A is inserted into the Act by paragraph 1(8) of Schedule 1 to this Order.

<sup>(2)</sup> Section 74H is inserted into the Act by paragraph 1(8) of Schedule 4 to this Order.