
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Pharmacy Order 2010

PART 6

Fitness to practise

Interim measures pending a direction taking effect

60.—(1) Paragraph (2) applies where, under article 54, the Fitness to Practise Committee gives—

- (a) a direction to remove a registrant's entry from one or more parts of the Register; or
- (b) a direction for suspension.

(2) If the Fitness to Practise Committee is satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest or in the interests of the registrant, it may order that the entry of the registrant who is the subject of the direction in the part or parts of the Register to which the direction relates be suspended forthwith, pending the coming into force of the direction.

(3) Paragraph (4) applies where the Fitness to Practise Committee gives a direction for conditional entry under article 54.

(4) If the Fitness to Practise Committee is satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest or in the interests of the registrant, it may order that the entry of the registrant who is the subject of the direction in the part or parts of the Register to which the direction relates, be conditional upon that registrant complying, pending the coming into force of the direction, with such requirements specified in the order as the Committee thinks fit to impose.

(5) If the direction referred to in paragraph (1) or (3) relates to the entry of the registrant in more than one part of the Register, the Fitness to Practise Committee may make an order under paragraph (2) or, as the case may be, (4) in relation to only one part of the Register and may impose different requirements under paragraph (4) in relation to the registrant's entry in different parts of the Register.

(6) Where the Fitness to Practise Committee makes an order under paragraph (2) or (4), the Registrar must send to the registrant who is the subject of the order at that registrant's last known home address a statement in writing giving that registrant notice of the contents of the order and of the right of appeal under paragraph (7).

(7) A registrant who is aggrieved by a decision of the Fitness to Practise Committee to make an order under this article may appeal against that decision to the relevant court, and the court may—

- (a) dismiss the appeal;
- (b) in the case of an order under paragraph (2), terminate the suspension; and
- (c) in the case of an order under paragraph (4), revoke the order or remove or vary any condition imposed by the order,

and the decision of the relevant court on any application under this paragraph is final.

- (8) In this article, “the relevant court” means—
- (a) in a case where the person making the appeal is domiciled in Scotland, the Court of Session; and
 - (b) in any other case, the High Court.