
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Pharmacy Order 2010

PART 8

Miscellaneous

General fees

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

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

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 those cases subject to specified exceptions; or
- (c) so as to make any supplementary, incidental, consequential, transitional, transitory or saving provision as the Council considers necessary or expedient.

(2) The Council must 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 and the Directive.

(3) Before making rules under Parts 3 to 7 of this Order, the Council must consult such persons or organisations as it considers appropriate including—

- (a) Primary Care Trusts in England;
- (b) Local Health Boards in Wales;
- (c) Health Boards in Scotland;
- (d) persons carrying on a retail pharmacy business at a registered pharmacy;
- (e) professional bodies or organisations appearing to the Council to represent registrants;
- (f) the Council for Healthcare Regulatory Excellence;
- (g) such other regulatory bodies as the Council considers relevant; and
- (h) other persons, bodies or organisations representing members of the public and patients.

(4) No rules made under this Order, except rules made solely under article 36 (or article 36 together with paragraph (1)), can 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 necessary to them.

The Directive: designation of competent authority etc.

67.—(1) The Council is designated as the competent authority in Great Britain for the purposes of the Directive so far as it relates to the professions of pharmacist and pharmacy technician.

(2) Accordingly, the Council must in Great Britain carry out (in particular) the functions specified in Schedule 3.

(3) The Council is designated as the competent authority in Great Britain for the award of evidence of formal qualifications in pharmacy listed in relation to the United Kingdom in Annex V, point 5.6.2 of the Directive.

(4) Subject to paragraph (5), the Secretary of State may give directions to the Council in connection with its functions specified in Schedule 3, and it is the duty of the Council to comply with any such directions.

(5) Directions given under paragraph (4) may be as to matters of administration only.

(6) In Schedule 3—

“non-UK pharmacy qualification” means a qualification in pharmacy that is awarded to a person by a competent authority of a relevant European State other than the United Kingdom; and

“GB pharmacy qualification” means a qualification in pharmacy that is awarded to a person by a competent authority in Great Britain.

Amendments, repeals and revocations

68. The amendments, repeals and revocations contained in Schedule 4 have effect.

Transitional, transitory and saving provisions

69.—(1) The transitional provisions contained in Schedule 5 have effect.

(2) The savings contained in Schedule 6 have effect.

(3) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.

(4) The power to make an order under paragraph (3) 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 or consequential provisions which the Privy Council considers necessary or expedient.

Privy Council procedures etc.

70.—(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 is exercisable by statutory instrument and, except for an order made solely in respect of approving rules under article 19, 27, 31 or 36 (or any of those articles together with article 66(1)), an order of the Privy Council under this Order is subject to annulment in pursuance of a resolution of either House of Parliament or of the Scottish Parliament.

(3) Paragraph (2) and article 66(4) do not preclude the inclusion of rules under article 19, 27, 31 or 36 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 or of the Scottish Parliament.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946⁽¹⁾ (definition of “Statutory Instrument”), any power of the Privy Council to make an order under this Order is to be taken to be conferred by an Act of Parliament.

(5) Any act of the Privy Council under this Order is 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 is evidence, and in Scotland, sufficient evidence, of—

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

(1) 1946 c.36. Section 1(1A) was inserted by paragraph 2 of Schedule 12 to the Government of Wales Act 1998 (c.38) and substituted by paragraph 2 of Schedule 10 to the Government of Wales Act 2006 (c.32).