



Pharmacy Act 1954

1954 CHAPTER 61

Removal from and restoration to the register, etc.

7 The Statutory Committee

For the purposes of this Act there shall be appointed a committee of the Society (to be known as " the Statutory Committee "), and the provisions of the First Schedule to this Act shall have effect in relation to the Statutory Committee.

8 Control of registrations by Statutory Committee

(1) Where—

- (a) a person applying to have his name registered, or
- (b) a registered pharmaceutical chemist or any person employed by him in the carrying on of his business, or
- (c) a person whose name has been removed from the register under section twelve of this Act or any person employed by him as aforesaid,

has been convicted of any such criminal offence or been guilty of such misconduct (being in a case falling within paragraph (c) of this subsection a conviction or misconduct which took place either before or after the removal of the name) as in the opinion of the Statutory Committee renders the convicted or guilty person unfit to have his name on the register, the Committee may, after enquiring into the matter—

- (i) in a case falling within paragraph (a) of this subsection, direct that the applicant's name shall not be registered, or shall not be registered until the Committee otherwise directs;
- (ii) in a case falling within paragraph (b) thereof, direct the registrar to remove the name of the registered pharmaceutical chemist from the register;
- (iii) in a case falling within paragraph (c) thereof, direct that the name removed from the register shall not be restored thereto, or shall not be restored thereto until the Committee otherwise directs;

Status: This is the original version (as it was originally enacted).

and, where the Committee directs that a name shall be removed from the register or shall not until the Committee otherwise directs be registered or restored to the register, the Committee may also direct that no application to the Committee in respect of its registration, or as the case may be its restoration to the register, shall be entertained thereafter until the expiration of such period as is specified in the direction or the fulfilment of such conditions as are so specified.

- (2) Where the name of any person has been removed from the register in pursuance of a direction under paragraph (ii) of the last foregoing subsection, the Committee may, either of its own motion or on the application of that person, direct the registrar to restore the name to the register, either without fee or on the payment to the (Society of such fee as is prescribed in that behalf, not exceeding the fee prescribed for registration in pursuance of section three of this Act.
- (3) It shall be the duty of the Statutory Committee—
- (a) to give notice of any direction under this section to the person to whom the direction relates;
 - (b) to give notice of any refusal of an application made under the last foregoing subsection to the applicant;

and any notice required by this subsection to be given to any person shall be given by being sent to him in a registered letter which, in the case of a registered pharmaceutical chemist, shall be addressed to his address on the register.

9 Restrictions on directions by Statutory Committee

- (1) No direction (other than a direction authorising the registration or restoration to the register of a name) shall be given by the Statutory Committee under subsection (1) of the last foregoing section without the assent of the chairman of the Committee.
- (2) Where an act or omission which, under the last foregoing section, may be made the ground of a direction by the Statutory Committee involving the cesser or restriction of the right of a person to have his name registered is an act or omission on the part of an employee of that person, the Committee shall not give any such direction unless proof is given to its satisfaction of some one or more of the facts specified in the next following subsection and the Committee is of opinion that, having regard to the facts so proved, the said person ought to be regarded as responsible for the act or omission.
- (3) The facts as to some one or more of which the Committee must be satisfied before giving any such direction as is mentioned in subsection (2) of this section are—
- (a) that the act or omission in question was instigated or connived at by the said person ;
 - (b) that the said person or any employee of his had been guilty at some time within twelve months before the date on which the act or omission in question took place of a similar act or omission and that the said person had, or reasonably ought to have had, knowledge of that previous act or omission;
 - (c) if the act or omission in question was a continuing act or omission, that the said person had, or reasonably ought to have had, knowledge of the continuance thereof;
 - (d) in the case of a criminal offence being an offence under the Pharmacy Acts, that the said person had not used due diligence to enforce the execution of those Acts.

10 Appeals against directions, etc.

- (1) A person aggrieved by a direction of the Statutory Committee under section eight of this Act or the refusal of an application made under subsection (2) of that section may at any time within three months from the date on which notice of the direction or, as the case may be, of the refusal is given to him appeal to the High Court against the direction or refusal; and the Society may appear as respondent on any such appeal.
- (2) The High Court may on any such appeal make such order as the court thinks fit in the matter including an order as to the costs of the appeal and in particular as to the payment of any such costs by the Society, whether or not the Society appear on the hearing of the appeal; and the order of the High Court on any such appeal shall be final.
- (3) It shall be the duty of the registrar to make such alterations in the register as are necessary to give effect to any such order as aforesaid.

11 Time of operation etc. of certain directions

- (1) A direction under paragraph (ii) of subsection (1) of section eight of this Act shall not take effect until the expiration of three months from the giving of notice of the direction as required by subsection (3) of that section or, where an appeal to the High Court is brought against the direction, until the appeal is determined or withdrawn.
- (2) If the High Court has dismissed an appeal against a direction under the said subsection (1) that a name shall be removed from the register or shall not, until the Committee otherwise directs, be registered or restored to the register, a direction by the Committee authorising the registration or restoration of the name shall not take effect unless it is approved by the Privy Council.
- (3) When any direction under the said section eight takes effect it shall be the duty of the registrar to make such alterations in the register as are necessary to give effect to the direction.

12 Removal from register for non-payment of retention fee, etc.

- (1) If any registered pharmaceutical chemist on whom a demand has been made in the prescribed manner for the payment of any fee payable by him under subsection (3) of section two of this Act fails to pay the fee within two months from the date of the demand, the Council may direct the registrar to remove the chemist's name from the register.
- (2) If any person whose name has been removed from the register under the last foregoing subsection for non-payment of any fee pays to the Society, before the expiration of the year in respect of which the fee is payable or of such longer period as the Council allow, the fee and such additional sum (if any) by way of penalty as is prescribed, it shall be the duty of the registrar, subject to the provisions of any direction in force under paragraph (iii) of subsection (1) of section eight of this Act, to restore that person's name to the register.
- (3) Where a name removed from the register under subsection (1) of this section is restored thereto under the last foregoing subsection, the restoration shall, if the Council so direct, have effect from the date of the removal of the name.

13 Corrections of the register

- (1) It shall be the duty of the registrar—
 - (a) to remove from the register the name of any registered pharmaceutical chemist who has died ;
 - (b) to remove from the register any entry which the Council, by an order in writing, direct him to remove therefrom as being in their opinion an entry which was procured by fraud ;
 - (c) to correct in accordance with the Council's directions any entry in the register which the Council, by an order in writing, direct him to correct as being in their opinion an entry which was incorrectly made; and
 - (d) to make from time to time any necessary alterations in the registered particulars of registered pharmaceutical chemists.
- (2) The registrar may remove from the register any name to which this subsection applies by virtue of subsection (4) of this section, and the Council may direct the registrar to restore to the register any name removed therefrom under this subsection.
- (3) Every registrar of births and deaths shall, on registering the death of a pharmaceutical chemist, send forthwith by post to the registrar under this Act a copy certified under his hand of the entry relating to the death in the register of deaths; and the cost of the certificate and of sending it by post shall be payable by the registrar under this Act to the registrar of births and deaths from whom it is received.
- (4) If the registrar—
 - (a) sends by post to any registered pharmaceutical chemist a registered letter addressed to him at his address on the register enquiring whether he has ceased to practise as a pharmaceutical chemist or has changed his address and receives no reply to the letter within the period of six months from the date of posting it; and
 - (b) upon the expiration of that period sends in like manner to the pharmaceutical chemist in question a second similar letter and receives no reply to that letter within three months from the date of posting it,subsection (2) of this section shall apply to the name of the registered pharmaceutical chemist in question.