

2008 No. 1553

HEALTH CARE AND ASSOCIATED PROFESSIONS

PHARMACISTS

**The Royal Pharmaceutical Society of Great Britain (Registration
Amendment Rules) Order of Council 2008**

Made - - - - *12th June 2008*

Laid before Parliament *17th June 2008*

Coming into force - - *21st July 2008*

At the Council Chamber, Whitehall, the 12th day of June 2008

By the Lords of Her Majesty's Most Honourable Privy Council

The Council of the Royal Pharmaceutical Society of Great Britain has made the Royal Pharmaceutical Society of Great Britain (Registration) Amendment Rules 2008, which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 17(1), 40(1) and 66(1) of the Pharmacists and Pharmacy Technicians Order 2007(a).

In accordance with article 40(4) of that Order, the Council of the Royal Pharmaceutical Society of Great Britain has consulted, in relation to the provisions made under article 40(1) of that Order, such registrants or classes of registrants as it considered appropriate.

By virtue of article 66(4) of that Order, such Rules shall not come into force until approved by order of the Privy Council.

Their Lordships, having taken these Rules into consideration, are pleased to, and do hereby approve them.

This Order may be cited as the Royal Pharmaceutical Society of Great Britain (Registration Amendment Rules) Order of Council 2008 and comes into force on 21st July 2008.

Judith Simpson
Clerk of the Privy Council

(a) S.I. 2007/289; amended by S.I. 2007/3101.

SCHEDULE

The Royal Pharmaceutical Society of Great Britain (Registration) Amendment Rules 2008

The Council of the Royal Pharmaceutical Society of Great Britain makes these Rules in exercise of the powers conferred by articles 17(1), 40(1) and 66(1) of the Pharmacists and Pharmacy Technicians Order 2007.

In accordance with article 40(4) of that Order, the Council of the Royal Pharmaceutical Society of Great Britain has consulted, in relation to the provisions it makes under article 40(1) of that Order, such registrants or classes of registrants as it considered appropriate.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Royal Pharmaceutical Society of Great Britain (Registration) Amendment Rules 2008 and come into force on 21st July 2008.

(2) In these Rules, “the principal Rules” means the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007(a).

Amendment of rule 2 of the principal Rules

2. In rule 2 of the principal Rules (interpretation: general), in paragraph (2), after “applicants for registration” insert “or retention”.

Substitution of rule 7 of the principal Rules

3. For rule 7 of the principal Rules (retention in the Register of Pharmacists) substitute the following rule—

“Retention in the register

7.—(1) Each registrant who appears in part 1 or part 2 of the register on 1st January of any calendar year shall be liable to pay the retention fee for that year.

(2) Subject to the following provisions of this rule, applicants for retention in part 1 or part 2 of the register shall apply using the relevant application form, which shall be in such form as the Council shall determine from time to time, and which shall include the retention fee notice.

(3) The Registrar shall send to each registrant the relevant application form for retention in the register at least one month before the start of the year to which the retention fee relates.

(4) If the Registrar—

- (a) proposes to offer the registrant the option of paying the retention fee by direct debit (subject to the agreement with the Society for paying the retention fee by direct debit being concluded by a date specified by the Society); or
- (b) has agreed that the registrant may pay the retention fee by direct debit (and the Society has not terminated that agreement),

the Registrar shall send with the relevant application form details of the Society’s direct debit scheme for payment of the retention fee.

(5) Those details may include a form for entering into an agreement with the Society for payment of the retention fee by direct debit.

(a) Scheduled to S.I. 2007/441; amended by S.I. 2007/3101.

- (6) The agreement may allow for payment by variable direct debit.
- (7) If a registrant has not received an application form for retention in the register by 10th December of any year, the registrant must notify the Registrar accordingly.
- (8) The application form shall (amongst other matters)—
- (a) include a demand that the registrant pay the retention fee by 1st January, unless the registrant has entered into an agreement with the Society for payment of the retention fee by direct debit (which has not been terminated);
 - (b) require the registrant to declare in terms—
 - (i) the registrant’s intention to adhere (or continue to adhere) to the standards,
 - (ii) whether the registrant is practising or non-practising,
 - (iii) any criminal convictions or police cautions which have not previously been notified to the Society, and
 - (iv) any findings of impairment of the registrant’s fitness to practise made by a regulatory body which have not previously been notified to the Society;
 - (c) inform the registrant in terms that if the declaration included in the application is not completed to the satisfaction of the Registrar—
 - (i) the Registrar will not process the application (and where appropriate will terminate any agreement for payment of the retention fee by direct debit), and
 - (ii) the registrant will be deemed to have failed to pay the retention fee; and
 - (d) inform the registrant in terms that in the event the registrant is found to have given false or misleading information in connection with their application for retention on the register, that may be treated as misconduct for the purposes of article 48(1)(a) of the Order, which may result in the registrant’s removal from the register.
- (9) If, on 1st January of a year to which a retention fee relates, a registrant who does not have an agreement with the Society to pay the retention fee by direct debit has failed to pay their retention fee, the Registrar shall serve on that registrant a final demand informing the registrant in terms that—
- (a) no further warning will be given; and
 - (b) failure to pay the retention fee within 2 months of the date of the final demand will result in removal of the registrant from the register.
- (10) Except where paragraph (11) applies, where—
- (a) a registrant has an agreement with the Society to pay the retention fee by direct debit; but
 - (b) a payment due to the Society under that agreement on a particular date is not made,
- the Registrar shall serve on that registrant a demand informing the registrant in terms that failure to pay that payment within 14 days of the date of the demand will lead to termination of the agreement (and the Society shall terminate that agreement if that payment is not made within those 14 days).
- (11) If, in any calendar year, more than one payment due to the Society on particular dates under a direct debit agreement is not made on the due dates, the Society shall terminate that agreement.
- (12) Where an agreement is terminated under paragraph (10) or (11), the Registrar shall serve on the registrant a final demand informing the registrant in terms that—
- (a) no further warning will be given; and
 - (b) failure to pay the full amount of the retention fee, or the balance of the full amount if part of the retention fee has already been paid by instalments, within 6 weeks of the date of the final demand will result in removal of the registrant from the register.

(13) Subject to paragraph (14), where a registrant has failed to pay the retention fee by the date notified in accordance with paragraph (9) or (12), the Registrar shall remove that person from the register.

(14) If there is an ongoing fitness to practise investigation or there are ongoing fitness to practise proceedings in respect of the registrant, the Registrar shall not remove the registrant from the register under paragraph (13), except in exceptional cases where the public interest would be best served by doing so.

(15) A registrant shall continue to be liable to pay the retention fee for the part of the register that the registrant is in on 1st January of any calendar year if the registrant moves to a different part of the register, notwithstanding that the retention fees for the different parts are set at different amounts.”.

Given under the official seal of the Royal Pharmaceutical Society of Great Britain the 5th day of June 2008

Stephen Churton
President

Jeremy Holmes
Chief Executive and Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules of the Royal Pharmaceutical Society of Great Britain (“the Society”) that amend the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007.

The amendments relate to applications for retention in the register. The relevant rule, rule 7, will now apply not only to applications for retention in the Register of Pharmacists but also to applications for Retention in the Register of Pharmacy Technicians. In both cases, the Society will be able to offer applicants the option of payment of the retention fee by direct debit; previously, registrants had to pay the full amount at the start of each calendar year. If agreement to pay by direct debit is reached, there are provisions enabling the Society to take action if the registrant is in default of the payment arrangements under that agreement. Defaulters who are subject to the Society fitness to practise procedures will not, however, be at risk of removal from the register under rule 7 while those procedures are ongoing, except in exceptional cases where the public interest would be best served by their removal.

£3.00

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E2587 6/2008 182587T 19585