

EXPLANATORY MEMORANDUM TO
THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN
(REGISTRATION AMENDMENT RULES) ORDER OF COUNCIL 2008

2008 No.1553

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. The Order provides for pharmacists and, in due course, pharmacy technicians to pay their annual retention fee in instalments by direct debit rather than needing to pay the full amount at the start of the calendar year. The Order also contains provisions to deal with the situation where a registrant defaults on such payments.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative Background

4.1. The Rules that are approved by this Order (“the 2008 Rules”) amend the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007 (“the 2007 Rules”).

4.2. The framework legislation for the regulation of pharmacists within Great Britain, the Pharmacists and Pharmacy Technicians Order 2007 (“the 2007 Order”), requires the Royal Pharmaceutical Society of Great Britain (“the Society”) to maintain a Register of Pharmacists and to act as the professional regulator of both practising and non-practising pharmacists within Great Britain. Being on the Register of Pharmacists, as well as being the basis for a number of professional activities, also confers certain benefits, such as the entitlement to use certain protected professional titles (for example, pharmacist and pharmaceutical chemist).

4.3. The 2007 Order also allows the Society to make Rules that require its registrants to submit periodic applications for retention in the register and to charge a retention fee in relation to such applications. The Society made provision for retention applications and retention fees in the 2007 Rules, but those arrangements are being revised in the 2008 Rules. The level of the fees that the Society charges are set out in a separate set of Rules made by the Society which are not in a statutory instrument and are not subject to Privy Council approval.

4.4. The changes made by the 2008 Rules will, for the time being, only apply to pharmacists. This is because the provisions in the 2007 Order that relate to the introduction of the statutory Register of Pharmacy Technicians have not yet been commenced. When these provisions of the 2007 Order are commenced, the Society will become the statutory regulator of pharmacy technicians as well as of pharmacists

– and at that point, the amendments made by the 2008 Rules to the 2007 Rules will also apply to pharmacy technicians.

5. Territorial Extent and Application

5.1. This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required

7. Policy background

Policy

7.1 As mentioned above, the 2008 Rules revise the arrangements for applications by pharmacists (and in due course, pharmacy technicians) for retention in the register. All registrants are required to pay an annual fee for retention in the register, as well as making certain declarations, for example, relating to any new criminal convictions against them. The principal change in these Rules is that whereas previously, registrants had to pay the full amount of the retention fee at the start of each calendar year, the new arrangements will allow pharmacists to pay their retention fee in instalments by direct debit, where they have reached an agreement with the Society to do so. This has the advantage for registrants of flexibility and the ability to spread costs throughout the year, rather than having to provide the Society with the full amount of the retention fee at the start of each calendar year.

7.2 As a consequence of providing this new facility, the Society has also needed to provide for the circumstances where the agreement to pay in instalments by direct debit breaks down. Both in the interests of simplicity and to minimise the administration costs in chasing late payers, if a registrant defaults more than once during any year, the direct debit agreement has to be cancelled.

7.3 The revised Rules continue the approach adopted in the 2007 Rules of not allowing registrants who are subject to a fitness to practise investigation or proceedings to evade that investigation or those proceedings by dropping off the register because of failure to pay their fees. This is to ensure that allegations can be properly investigated, although there is a discretion that will allow the Registrar to remove registrants in this position who have not paid their fees in exceptional cases where the public interest is best served by doing so. This might cover, for example, a registrant whose fitness to practise case was before the Society's Health Committee but who was terminally ill.

Consultation

7.4 The RPSGB carried out a major consultation on its fees proposals for 2008 from 3rd August 2007 until 3rd October 2007. These proposals included proposals for a 50% increase in the Society's fees. That proposal met with considerable opposition amongst the respondents (the vast majority of whom were the Society's members). As part of the consultation, the Society also asked consultees if they were content with the overall approach of the Society, as set out in the consultation

document, to fee setting. 90% of respondents said they were not, and of those, one of the main reasons given (by 26%) was the inability to make payments by instalments. The Consultation also asked if consultees were content with the current fee year, i.e. January to December. Just over two-thirds indicated that they were not content and, of these, 29% expressed support for payment by instalments.

7.5 The Society arranged for analysis of the consultation responses by an independent analyst (from whose report the above figures are taken) and revised and reduced its proposed fee increases. It also noted the clear support, amongst those who were not happy with its current arrangements for paying fees, for staged payments as one method of reducing the burdens on its members. In response to the consultation, it therefore resolved to adopt a scheme for staged payments in advance of changes to the fees themselves, which it proposes to make in September 2008, subject to the outcome of a further consultation exercise that started on 7th June 2008.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as its impact on business, charities or voluntary bodies is negligible.

8.2 There are no identified costs to either the public or the Exchequer arising from this Instrument.

9. Contact

9.1 Stephen Arthur Deputy Project Manager, Professional Regulation Branch at the Department of Health; Tel: 0113 254 5789 or email Stephen.arthur@dh.gsi.gov.uk can reply to any queries regarding this instrument.