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STATUTORY INSTRUMENTS

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**2010 No. 231**

**The Pharmacy Order 2010**

**PART 4**

**Registration**

**Offences relating to the Register**

- 38.**—(1) A person who makes a false representation as to being—
- (a) entered in the Register as a pharmacist;
  - (b) entered in the Register as a pharmacy technician; or
  - (c) entered in any part of the Register with a particular annotation,
- commits an offence.
- (2) A person who—
- (a) uses the title “pharmacist” or “fferyllydd” (its equivalent in the Welsh language) without being entered as a pharmacist in Part 1 <sup>F1</sup>... of the Register;
  - (b) uses the title “pharmacy technician” or “technegydd fferylliaeth” (its equivalent in the Welsh language) without being entered as a pharmacy technician in Part 2 <sup>F2</sup>... of the Register; or
  - (c) uses a title in respect of a particular annotation, which is a prescribed specialist title, where that person does not have an entry in any part of the Register with that particular annotation,
- commits an offence.
- (3) For the purposes of paragraph (2)(c), “prescribed specialist title” means—
- (a) in the case of a pharmacist, a title for a pharmacist which the Council prescribes by rules as being a title that is only to be used by a registrant with a particular annotation; and
  - (b) in the case of a pharmacy technician, a title for a pharmacy technician which the Council prescribes by rules as being a title that is only to be used by a registrant with a particular annotation.
- (4) A person who practises—
- (a) as a pharmacist while not being entered as such in Part 1 <sup>F3</sup>... of the Register; or
  - (b) as a pharmacy technician while not being entered as such in Part 2 <sup>F4</sup>... of the Register,
- commits an offence.
- (5) A person who exhibits any notice or certificate which—
- (a) purports to be a notice of entry issued under article 26 in respect of a pharmacist but which is not a notice of entry issued under that article in respect of a pharmacist;
  - (b) purports to be a certificate of registration issued under one of the Pharmacy Acts in respect of a pharmaceutical chemist but which is not a certificate of registration issued under one of those Acts in respect of a pharmaceutical chemist; or

- (c) purports to be a certificate of registration issued under the 2007 Order in respect of a pharmacist but which is not a certificate of registration issued under that Order in respect of a pharmacist,

commits an offence.

- (6) A person who exhibits any notice or certificate which—

- (a) purports to be a notice of entry issued under article 26 in respect of a pharmacy technician but which is not a notice of entry issued under that article in respect of a pharmacy technician;
- (b) purports to be a certificate of registration issued under the 2007 Order in respect of a pharmacy technician but which is not a certificate of registration issued under that Order in respect of a pharmacy technician,

commits an offence.

- (7) A person who, for fraudulent purposes—

- (a) uses or lends to, or allows to be used by, another person—
- (i) a notice of entry or certificate of registration in respect of a pharmacist or a pharmaceutical chemist (whether issued under article 26 or one of the Pharmacy Acts or the 2007 Order), or
- (ii) a notice of entry or certificate of registration in respect of a pharmacy technician issued under article 26 or the 2007 Order; or
- (b) makes or possesses any document closely resembling such a notice or certificate,

commits an offence.

(8) Any person who commits an offence under paragraph (1), (2) or (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) Any person who commits an offence under paragraph (5), (6) or (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (10) Proceedings for an offence under this article may be begun—

- (a) in England and Wales, at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the Council to justify a prosecution came to the Council's knowledge;
- (b) in Scotland, at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify a prosecution came to the prosecutor's knowledge,

but no proceedings may be begun after the expiry of the period of two years beginning with the date of the commission of the offence.

#### Textual Amendments

- F1** Words in art. 38(2)(a) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 2 para. 23\(2\)\(a\)](#) (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(3)-(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in art. 38(2)(b) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), [Sch. 2 para. 23\(2\)\(b\)](#) (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(3)-(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in art. 38(4)(a) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2),

**Sch. 2 para. 23(3)(a)** (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(3)-(7)); 2020 c. 1, Sch. 5 para. 1(1)

- F4** Words in art. 38(4)(b) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 2 para. 23(3)(b)** (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(3)-(7)); 2020 c. 1, Sch. 5 para. 1(1)

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**Commencement Information**

- I1** Art. 38 in force at 10.2.2010 for specified purposes, see **art. 1(3)**
- I2** Art. 38 in force at 27.9.2010 in so far as not already in force by S.I. 2010/1621, art. 2(1), **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the The Pharmacy Order 2010, Section 38.