

STATUTORY INSTRUMENTS

2010 No. 231

The Pharmacy Order 2010

PART 4

Registration

Appeals from the Appeals Committee

41.—(1) Except where the Appeals Committee has allowed an appeal, or has taken a decision or issued a direction that has the effect of allowing the appeal, a person in respect of whom a decision by the Appeals Committee has been taken may appeal against that decision to the relevant court.

(2) Notice of any appeal under this article must be filed at, or in Scotland lodged in, the relevant court and served on the Council, in accordance with rules of court, within 28 days beginning with the date on which the written notice of the reasons for the decision was sent, or within such longer period as the relevant court may, in accordance with the rules of court, allow.

(3) In this article, “the relevant court” means—

- (a) in the case of an appeal relating to an individual domiciled in Scotland or to premises in Scotland, the sheriff in whose sheriffdom the individual is domiciled or the premises are located; and
- (b) in any other case, the county court (the Central London County Court if the person making the appeal is not domiciled in Great Britain).

(4) Having considered an appeal under this article, the relevant court may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against ^{F1}...;
- (c) substitute for the decision appealed against any other decision that the Appeals Committee could have taken; ^{F2}...

[^{F3}(ca) ^{F4}..... or]

- (d) remit or refer the case to the Registrar for disposal of the matter in accordance with the relevant court’s directions,

and may make such order as to costs or, in Scotland, expenses as the relevant court thinks fit.

Textual Amendments

F1 Words in art. 41(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. 26\(a\)](#) (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 Word in art. 41(4) omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, [36\(3\)](#) (with reg. 155)

Changes to legislation: There are currently no known outstanding effects for the The Pharmacy Order 2010, Section 41. (See end of Document for details)

- F3** Art. 41(4)(ca) inserted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **36(4)** (with reg. 155)
- F4** Art. 41(4)(ca) 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. 26(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)

Commencement Information

- I1** Art. 41 in force at 10.2.2010 for specified purposes, see **art. 1(3)**
- I2** Art. 41 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 41.