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STATUTORY INSTRUMENTS

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**2010 No. 231**

**The Pharmacy Order 2010**

**PART 8**

Miscellaneous

**General fees**

**65.**—(1) Subject to paragraph (2), the Council may charge such fees as it may reasonably determine in connection with the exercise of its functions, or the functions of its statutory committees.

(2) No fee may be charged, pursuant to paragraph (1), in connection with the exercise of a function where provision is made elsewhere in this Order for the charging of a fee in connection with the exercise of that function.

**Commencement Information**

- I1** Art. 65 in force at 10.2.2010 for specified purposes, see [art. 1\(3\)](#)  
**I2** Art. 65 in force at 11.2.2010 in so far as not already in force, see [art. 1\(2\)\(c\)](#)

**Rules**

**66.**—(1) Any power to make rules under this Order may be exercised—

- (a) so as to make different provision—
  - (i) with respect to different cases or different classes of cases, or
  - (ii) in respect of the same case or class of case for different purposes;
- (b) in relation to all cases to which the power extends or in relation to those cases subject to specified exceptions; or
- (c) so as to make any supplementary, incidental, consequential, transitional, transitory or saving provision as the Council considers necessary or expedient.

<sup>F1</sup>(2) .....

(3) Before making rules under Parts 3 to 7 of this Order, the Council must consult such persons or organisations as it considers appropriate including—

- (a) [<sup>F2</sup>NHS England] in England;
- (b) Local Health Boards in Wales;
- (c) Health Boards in Scotland;
- (d) persons carrying on a retail pharmacy business at a registered pharmacy;
- (e) professional bodies or organisations appearing to the Council to represent registrants;
- (f) [<sup>F3</sup>the Professional Standards Authority for Health and Social Care];

- (g) such other regulatory bodies as the Council considers relevant; and
- (h) other persons, bodies or organisations representing members of the public and patients.
- (4) No rules made under this Order, except rules made solely under article 36 (or article 36 together with paragraph (1)), can come into force until approved by order of the Privy Council.
- (5) The Privy Council may approve rules submitted to them for approval either in the form submitted to them or subject to such modifications as appear necessary to them.

- F1** Art. 66(2) 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. 30** (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 Order substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023](#) (S.I. 2023/1071), reg. 1(1), **Sch. para. 1**
- F3** Words in art. 66(3)(f) substituted (1.12.2012) by [The Health and Social Care Act 2012 \(Consequential Amendments – the Professional Standards Authority for Health and Social Care\) Order 2012](#) (S.I. 2012/2672), arts. 1(2), **2(d)**

#### Commencement Information

- I3** Art. 66 in force at 10.2.2010 for specified purposes, see [art. 1\(3\)](#)
- I4** Art. 66 in force at 11.2.2010 in so far as not already in force, see [art. 1\(2\)\(c\)](#)

#### The Directive: designation of competent authority etc.

<sup>F4</sup>67. ....

- F4** Art. 67 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. 31** (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)

#### Amendments, repeals and revocations

68. [<sup>F5</sup>The amendments, repeals and revocations contained in Schedule 4 have effect.]

- F5** Art. 68 purportedly revoked (18.1.2016) by [The European Union \(Recognition of Professional Qualifications\) Regulations 2015](#) (S.I. 2015/2059), reg. 1, **Sch. 6** (with reg. 78)

#### Commencement Information

- I5** Art. 68 in force at 10.2.2010 for specified purposes, see [art. 1\(3\)](#)
- I6** Art. 68 in force at 27.9.2010 in so far as not already in force by [S.I. 2010/1621](#), [art. 2\(1\)](#), **Sch.**

#### Transitional, transitory and saving provisions

- 69.—(1) The transitional provisions contained in Schedule 5 have effect.
- (2) The savings contained in Schedule 6 have effect.
- (3) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.
- (4) The power to make an order under paragraph (3) may be exercised—

- (a) so as to make different provision—
  - (i) with respect to different cases or different classes of cases, or
  - (ii) in respect of the same case or class of case for different purposes;
- (b) in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions; or
- (c) so as to make any supplementary, incidental or consequential provisions which the Privy Council considers necessary or expedient.

**Commencement Information**

- I7** Art. 69(1)-(4) in force at 11.2.2010 in so far as not already in force, see [art. 1\(2\)\(c\)](#)
- I8** Art. 69 in force at 10.2.2010 for specified purposes, see [art. 1\(3\)](#)

**Privy Council procedures etc.**

**70.**—(1) Any power vested in the Privy Council to make an order under this Order may be exercised by any two or more members of the Privy Council.

(2) Any power of the Privy Council to make an order under this Order is exercisable by statutory instrument and, except for an order made solely in respect of approving rules under article 19, 27, 31 or 36 (or any of those articles together with article 66(1)), an order of the Privy Council under this Order is subject to annulment in pursuance of a resolution of either House of Parliament or of the Scottish Parliament.

(3) Paragraph (2) and article 66(4) do not preclude the inclusion of rules under article 19, 27, 31 or 36 in a set of rules which is to be approved by an order of the Privy Council that is subject to annulment in pursuance of a resolution of either House of Parliament or of the Scottish Parliament.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946(1) (definition of “Statutory Instrument”), any power of the Privy Council to make an order under this Order is to be taken to be conferred by an Act of Parliament.

(5) Any act of the Privy Council under this Order is sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(6) Where an order or act of the Privy Council under this Order is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that is evidence, and in Scotland, sufficient evidence, of—

- (a) the fact that the order was duly made, or the act duly done; and
- (b) the order’s terms.

**Commencement Information**

- I9** Art. 70 in force at 10.2.2010 for specified purposes, see [art. 1\(3\)](#)
- I10** Art. 70 in force at 11.2.2010 in so far as not already in force, see [art. 1\(2\)\(c\)](#)

**Review**

<sup>F6</sup>**71.** .....

(1) [1946 c.36](#). Section 1(1A) was inserted by paragraph 2 of Schedule 12 to the Government of Wales Act 1998 ([c.38](#)) and substituted by paragraph 2 of Schedule 10 to the Government of Wales Act 2006 ([c.32](#)).

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**Changes to legislation:** There are currently no known outstanding effects for the The Pharmacy Order 2010, PART 8. (See end of Document for details)

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**F6** Art. 71 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. 32** (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)

**Changes to legislation:**

There are currently no known outstanding effects for the The Pharmacy Order 2010, PART 8.