

SCHEDULE

Article 2

The General Pharmaceutical Council (Amendment of Miscellaneous Provisions) Rules 2016

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Explanatory Note

The General Pharmaceutical Council makes these Rules in exercise of the powers conferred by articles 23(1), 27(1), 32(4), (5) and (6), 37(3), 52(1) and (2), 55A(1) and (3), 57(3), 61(1) and (3)(h) and 66(1) of, and paragraph 5(1)(a) of Schedule 1 to, the Pharmacy Order 2010.

In accordance with article 66(3) of that Order, the General Pharmaceutical Council has, in relation to rules under Parts 4, 6 and 7 of that Order, consulted such persons and organisations as it considered

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appropriate including the persons and organisations listed in sub-paragraphs (a) to (h) of article 66(3) of that Order.

PART 1

General

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Pharmaceutical Council (Amendment of Miscellaneous Provisions) Rules 2016 and come into force on 21st November 2016.

(2) In these Rules—

“the Fitness to Practise Rules” means the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010(1);

“the Registration Rules” means the General Pharmaceutical Council (Registration) Rules 2010(2);

“the Statutory Committees and their Advisers Rules” means the General Pharmaceutical Council (Statutory Committees and their Advisers) Rules 2010(3).

PART 2

Amendment to the General Pharmaceutical Council (Statutory Committees and their Advisers) Rules 2010

Amendment of rule 18B of the Statutory Committees and their Advisers Rules

2. In rule 18B of the Statutory Committees and their Advisers Rules (composition of Appeals Committee: further provision)(4), in paragraph (2)—

(a) omit “and” at the end of sub-paragraph (b); and

(b) after sub-paragraph (c) insert

“; and

(d) any member who has sat in a formation of the Fitness to Practise Committee that has given advice on, or made findings of fact in relation to, a particular matter does not sit in a formation of the Appeals Committee that hears an appeal in proceedings connected with that matter.”.

PART 3

Amendments to the General Pharmaceutical Council (Registration) Rules 2010

New rule 8A of the Registration Rules

3. After rule 8 of the Registration Rules insert—

(1) Scheduled to [S.I. 2010/1615](#).

(2) Scheduled to [S.I. 2010/1617](#).

(3) Scheduled to [S.I. 2010/1616](#).

(4) Rule 18B was inserted by [S.I. 2012/3171](#).

“Duty to provide information about indemnity arrangements: registrants

8A.—(1) A registrant entered in Part 1 or, as the case may be, Part 2 of the Register must provide such information as the Registrar may require by notice in writing for the purposes of determining whether, at any time, there is in force an indemnity arrangement which provides appropriate cover in relation to the registrant or to registrants of a particular description.

(2) Information which may be required by a notice under paragraph (1) includes, in particular—

- (a) the name and address of any employer of the registrant;
- (b) a description of the activities within the scope of the registrant’s practice as a pharmacist or, as the case may be, a pharmacy technician;
- (c) details of any insurance policy or other arrangement which provides appropriate cover in relation to the registrant which—
 - (i) was in force in respect of any period specified in the notice,
 - (ii) is in force when the notice is issued, or
 - (iii) will be in force by the time the registrant begins to practise as a pharmacist or, as the case may be, a pharmacy technician; and
- (d) the name of any person or persons providing any such insurance policy or other arrangement.

(3) The registrant must provide the information required by a notice under paragraph (1) within such period (not being less than 7 days from the date on which the Registrar issues the notice) as may be specified in the notice.

(4) A notice under paragraph (1) must inform the registrant that, if the required information is not provided in accordance with the requirements of paragraph (3)—

- (a) the Registrar may, under article 32(8) of the Order, refuse to renew the registrant’s entry in Part 1 or 2 of the Register (as the case may be);
- (b) the Registrar may, under article 32(9)(a) of the Order, remove the registrant’s name from that part of the Register; or
- (c) the registrant’s failure to comply with those requirements may, by virtue of article 32(9)(b) of the Order, be treated as misconduct for the purposes of article 51(1)(a) of the Order.

(5) A registrant entered in Part 1 or, as the case may be, Part 2 of the Register must in the event that there is in force no indemnity arrangement which provides appropriate cover in relation to the registrant, inform the Registrar in writing of that fact within 7 days of the cessation of appropriate cover under any such arrangement.”**(5)**.

Amendment of rule 10 of the Registration Rules

4.—(1) Rule 10 of the Registration Rules (entry in the Register)**(6)** is amended as follows.

(2) In paragraph (2)(a)(iii)—

- (a) omit “and” at the end of sub-paragraph (bb); and
- (b) after sub-paragraph (cc) insert—

(5) “Indemnity arrangement” and “appropriate cover” are defined in article 32(2) and (3) of the Pharmacy Order 2010.
(6) Rule 10(2)(a)(ii)(cc) and (3)(ga) were inserted by [S.I. 2014/1887](#). Rule 10(3) and (5)(b) were amended, and rule 10(3A) and (3B) were inserted, by [S.I. 2012/3171](#). Rule 10(5)(a), (e) and (f) and (12) were amended, and rule 10(5)(g) was inserted, by [S.I. 2010/2660](#).

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- “(dd) understands that, upon entry in the Register, the applicant cannot practise as a pharmacist or, as the case may be, a pharmacy technician unless there is in force an indemnity arrangement which provides appropriate cover in relation to the applicant, and
- (ee) agrees, in the event that there is in force in relation to the applicant no such arrangement, to inform the Registrar in writing of that fact within 7 days of the cessation of appropriate cover under any such arrangement and understands that the applicant’s entry may be removed from the Register.”.
- (3) In paragraph (3)—
- (a) in each of sub-paragraphs (a)(i), (c)(i), (d)(i) and (f)(ii), for “which meets the conditions set out in paragraph (3A)” substitute “to which paragraph (3A) applies”;
- (b) omit “and” at the end of sub-paragraph (j); and
- (c) after sub-paragraph (k) insert
- “; and
- (l) evidence, information or documents demonstrating that the applicant has the necessary knowledge of English for the purpose of complying with article 20(1) (a)(iia) of the Order.”(7).
- (4) For paragraph (3A) substitute—
- “(3A) This paragraph applies to a copy of—
- (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (whether or not the front cover of the passport is included in the copy); or
- (b) any other passport,
- which is certified by a notary, solicitor or Commissioner for Oaths as a true copy of an original passport referred to in sub-paragraph (a) or (b).”(8).
- (5) In paragraph (5)—
- (a) for “The additional matters referred to in paragraph (4) are—” substitute “The following may, in particular, be required under paragraph (4)—”;
- (b) omit “and” at the end of sub-paragraph (f); and
- (c) at the end of sub-paragraph (g) insert
- “; and
- (h) in the case of an applicant who provided the evidence referred to in paragraph (3) (ga) by way of a self-declaration—
- (i) a copy of any insurance policy or other arrangement indemnifying the applicant which is in force, or the details of any such policy or arrangement which will be in force, in relation to the applicant, and
- (ii) a description of the activities which the applicant intends to undertake when practising as a pharmacist or, as the case may be, a pharmacy technician.”.

(7) A definition of “the necessary knowledge of English” was inserted in article 3(1) of the Pharmacy Order 2010 by [S.I. 2015/806](#). In determining whether a person has the necessary knowledge of English, the Registrar is required to have regard to guidance published by the Council under article 23A of the Pharmacy Order 2010. Article 23A was inserted by [S.I. 2015/806](#).

(8) The definition of “United Kingdom Passport” in section 33 of the Immigration Act 1971 ([c.77](#)) was inserted by paragraph 7(a)(ii) of Schedule 4 to the British Nationality Act 1981 ([c. 61](#)) and amended by section 1(1)(b) of the British Overseas Territories Act 2002 ([c. 8](#)).

Amendment of rule 11 of the Registration Rules

5.—(1) Rule 11 of the Registration Rules (renewal of an entry in the Register)⁽⁹⁾ is amended as follows.

(2) In paragraph (4)(a)—

(a) in paragraph (iia), for “provide evidence that” substitute “specify whether”;

(b) after that paragraph insert—

“(iib) declare that the registrant understands that the registrant cannot practise as a pharmacist or, as the case may be, a pharmacy technician unless there is in force an indemnity arrangement which provides appropriate cover in relation to the registrant,

(iic) declare that the registrant agrees, in the event that there is in force in relation to the registrant no such arrangement, to inform the Registrar in writing of that fact within 7 days of the cessation of appropriate cover under any such arrangement and understands that the registrant’s entry may be removed from the Register;”;

and

(c) omit “and” at the end of paragraph (iv); and

(d) after paragraph (v) insert

“, and—

(vi) specify whether the registrant holds evidence, information or documents demonstrating that the registrant has the necessary knowledge of English for the purpose of complying with article 20(2)(a)(iia) of the Order;”.

(3) After paragraph (5) insert—

“(5A) The registrant must also provide such additional documents, information or evidence as the Registrar may reasonably require for the purposes of verifying the information in, or determining, the application.”.

(4) In paragraph (6)(b), after “as mentioned in the application form” insert “or subsequently required by the Registrar”.

Amendment of rule 12 of the Registration Rules

6. In rule 12 of the Registration Rules (annotations made to an entry in the Register), in paragraph (3)(a)—

(a) omit “and” at the end of paragraph (v); and

(b) after paragraph (v) insert—

“(va) specify whether, if an annotation in respect of a specialisation were to be made to the applicant’s entry, there would be in force an indemnity arrangement which provides appropriate cover in relation to the applicant, and”.

Amendment of rule 13 of the Registration Rules

7.—(1) Rule 13 of the Registration Rules (renewal of an annotation made to an entry in the Register) is amended as follows.

(2) In paragraph (4)(b), after paragraph (iii) insert—

(9) Rule 11(4)(a)(iia) was inserted by [S.I. 2014/1887](#).

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“(iia) specify whether, if an annotation in respect of a specialisation were to be renewed, there would be in force an indemnity arrangement which provides appropriate cover in relation to the applicant.”.

(3) In paragraph (6)(b), after “as mentioned in the application form” insert “or subsequently required by the Registrar”.

Amendment of rule 16 of the Registration Rules

8.—(1) Rule 16 of the Registration Rules (restoration of an entry in the Register) is amended as follows.

(2) In paragraph (3)(a)—

(a) omit “and” at the end of paragraph (ii)(bb);

(b) after paragraph (ii)(cc) insert—

“(dd) that A understands that, upon A’s entry being restored to the Register, A cannot practise as a pharmacist or, as the case may be, a pharmacy technician unless there is in force an indemnity arrangement which provides appropriate cover in relation to A, and

(ee) that A agrees, in the event that there is in force in relation to A no such arrangement, to inform the Registrar in writing of that fact within 7 days of the cessation of appropriate cover under any such arrangement and understands that A’s entry may be removed from the Register.”;

(c) in paragraph (iii)—

(i) in each of sub-paragraphs (aa) and (bb), for “the registrant” substitute “A”,

(ii) in sub-paragraph (bb), for “the registrant’s” substitute “A’s”, and

(iii) omit “and” at the end of sub-paragraph (bb); and

(d) after paragraph (iii) insert—

“(iia) specify whether A holds evidence, information or documents demonstrating that A has the necessary knowledge of English for the purpose of complying with article 20(1)(a)(iia) of the Order, and”.

Amendment of rule 17 of the Registration Rules

9. In rule 17 of the Registration Rules (restoration of an annotation made to an entry in the Register), in paragraph (3)(a)(i), after sub-paragraph (aa) insert—

“(ab) whether, if an annotation in respect of a specialisation were to be restored to the applicant’s entry, there would be in force an indemnity arrangement which provides appropriate cover in relation to the applicant.”.

PART 4

Amendments to the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010

Amendment of rule 2 of the Fitness to Practise Rules

10. In rule 2 of the Fitness to Practise Rules (interpretation), in paragraph (1), after the definition of “interim order hearing” insert—

““knowledge of English allegation” means a complaint to, or concern of, the Council which gives rise to, or may give rise to, an inquiry that a person’s fitness to practise is impaired by reason of article 51(1)(ca) of the Order;”(10).

Amendment of rule 6 of the Fitness to Practise Rules

11.—(1) Rule 6 of the Fitness to Practise Rules (initial action in respect of allegations) is amended as follows.

(2) In paragraph (4)—

(a) omit “or” at the end of sub-paragraph (c); and

(b) after sub-paragraph (d) insert

“; or

(e) in relation to a knowledge of English allegation, directing the person concerned—

(i) to undertake an examination or other assessment of that person’s knowledge of English, and

(ii) to provide to the Registrar evidence of the result of that examination or assessment.”.

(3) After paragraph (4) insert—

“(4A) Any direction under paragraph (4)(e) is to be given by the Registrar by a notice in writing which—

(a) specifies the name of the examination or assessment of knowledge of English which the person concerned is required to undertake;

(b) states that the evidence referred to in paragraph (4)(e)(ii) is to be provided in the form of a certificate or other document which—

(i) states the result of the examination or assessment, and

(ii) is signed by an officer of the body which provides the examination or assessment; and

(c) specifies the date by which such evidence is to be provided,

and the person concerned must comply with the direction by the date specified in the notice or, if the Registrar agrees by a further notice in writing to extend that period, within the extended period specified in that notice.

(4B) The Registrar may disclose to any of the statutory committees or any employee of the Council any evidence provided pursuant to a direction given under paragraph (4)(e).”.

(4) After paragraph (7A)(11) insert—

(10) Article 51(1)(ca) was inserted by [S.I. 2015/806](#).

(11) Paragraph (7A) was inserted by [S.I. 2011/1367](#).

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“(7B) Where the Registrar has given a direction under paragraph (4)(e) and the person concerned has failed to comply with it, the Registrar may—

- (a) refer the knowledge of English allegation to the Committee instead of to the Investigating Committee and treat the failure to comply with the direction as a separate allegation of misconduct and refer that allegation to the Committee; or
- (b) determine not to refer the knowledge of English allegation to the Committee but treat the failure to comply with the direction as a separate allegation of misconduct and refer that allegation to the Committee.”.

(5) In paragraph (8), for “paragraph (5), (6), (7) or (7A)” substitute “any of paragraphs (5) to (7B)”.

Amendment of rule 7 of the Fitness to Practise Rules

12.—(1) Rule 7 of the Fitness to Practise Rules (notices of referral and documents to be supplied to persons concerned) is amended as follows.

(2) In paragraph (1)(b)—

- (a) omit “and” at the end of paragraph (i); and
- (b) after paragraph (ii) insert
“; and

(iii) where the person is the subject of a knowledge of English allegation, a copy of the guidance published by the Council under article 23A of the Order.”(12).

(3) In paragraph (2), after sub-paragraph (d)(ii) insert—

“(ia) in relation to a knowledge of English allegation, to direct the person concerned to undertake an examination or other assessment of that person’s knowledge of English.”.

Amendment of rule 8 of the Fitness to Practise Rules

13.—(1) Rule 8 of the Fitness to Practise Rules (applications for restoration) is amended as follows.

(2) In paragraph (3)(b), after paragraph (i) insert—

“(ia) evidence, information or documents demonstrating that the person has the necessary knowledge of English for the purpose of complying with article 20(1)(a)(ia) of the Order.”.

(3) After paragraph (4) insert—

“(4A) If, having considered any evidence, information or documents provided under paragraph (3)(b)(ia), the Registrar is not satisfied that the person applying for restoration to Part 1 or, as the case may be, Part 2 of the Register has the necessary knowledge of English, the Registrar may direct the person—

- (a) to undertake an examination or other assessment of that person’s knowledge of English; and
- (b) to provide to the Registrar evidence of the result of that examination or assessment.

(4B) Any direction under paragraph (4A) is to be given by the Registrar by a notice in writing which—

(12) Article 23A was inserted by [S.I. 2015/806](#).

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- (a) specifies the name of the examination or assessment of knowledge of English which the person is required to undertake;
 - (b) states that the evidence referred to in paragraph (4A)(b) is to be provided in the form of a certificate or other document which—
 - (i) states the result of the examination or assessment, and
 - (ii) is signed by an officer of the body which provides the examination or assessment; and
 - (c) specifies the date by which such evidence is to be provided,
- and the person must comply with the direction by the date specified in the notice or, if the Registrar agrees by a further notice in writing to extend that period, within the extended period specified in that notice.
- (4C) The Registrar may disclose to any of the statutory committees or any employee of the Council any evidence provided pursuant to a direction under paragraph (4A).”.

Amendment of rule 9 of the Fitness to Practise Rules

14. In rule 9 of the Fitness to Practise Rules (procedures of the Investigating Committee), after paragraph (5) insert—

- “(5A) In relation to a knowledge of English allegation, the Investigating Committee may—
- (a) give a direction in accordance with paragraph (5B) which requires the person concerned—
 - (i) to undertake an examination or other assessment of that person’s knowledge of English, and
 - (ii) to provide to the Registrar evidence of the result of that examination or assessment; and
 - (b) where it receives information that the person concerned has failed to comply with any such direction—
 - (i) refer the knowledge of English allegation to the Committee and treat the failure to comply with the direction as a separate allegation of misconduct and refer that allegation to the Committee, or
 - (ii) determine not to refer the knowledge of English allegation to the Committee but treat the failure to comply with the direction as a separate allegation of misconduct and refer that allegation to the Committee.
- (5B) Any direction under paragraph (5A)(a) is to be given by the Investigating Committee by a notice in writing which—
- (a) specifies the name of the examination or assessment of knowledge of English which the person concerned is required to undertake;
 - (b) states that the evidence referred to in paragraph (5A)(a)(ii) is to be provided in the form of a certificate or other document which—
 - (i) states the result of the examination or assessment, and
 - (ii) is signed by an officer of the body which provides the examination or assessment; and
 - (c) specifies the date by which such evidence is to be provided,

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and the person concerned must comply with the direction by the date specified in the notice or, if the Registrar agrees by a further notice in writing to extend that period, within the extended period specified in that notice.

(5C) The Investigating Committee may disclose to any other statutory committee or any employee of the Council any evidence provided pursuant to a direction given under paragraph (5A)(a).”.

Amendment of rule 13 of the Fitness to Practise Rules

15.—(1) Rule 13 of the Fitness to Practise Rules (action upon referral of an allegation) is amended as follows.

(2) In paragraph (1), after sub-paragraph (a) insert—

“(ab) in the case of a knowledge of English allegation, the chair may give a direction requiring the person concerned—

- (i) to undertake an examination or other assessment of that person’s knowledge of English, and
- (ii) to provide to the Registrar evidence of the result of that examination or assessment;”.

(3) After paragraph (1) insert—

“(1A) Any direction under paragraph (1)(ab) is to be given by the chair by a notice in writing which—

- (a) specifies the name of the examination or assessment of knowledge of English which the person concerned is required to undertake;
- (b) states that the evidence referred to in paragraph (1)(ab)(ii) is to be provided in the form of a certificate or other document which—
 - (i) states the result of the examination or assessment, and
 - (ii) is signed by an officer of the body which provides the examination or assessment; and
- (c) specifies the date by which such evidence is to be provided,

and the person concerned must comply with the direction by the date specified in the notice or, if the Registrar agrees by a further notice in writing to extend that period, within the extended period specified in that notice.

(1B) The Committee may disclose to any other statutory committee or any employee of the Council any evidence provided pursuant to a direction given under paragraph (1)(ab).”.

Amendment of rule 24 of the Fitness to Practise Rules

16. In rule 24 of the Fitness to Practise Rules (evidence), after paragraph (11) insert—

“(11A) In determining whether a person’s fitness to practise is impaired by reason of not having the necessary knowledge of English, the Committee may take into account, amongst other matters—

- (a) a failure by the person concerned to comply with a direction given under these Rules to undertake an examination or other assessment of that person’s knowledge of English; and
- (b) a failure by the person concerned to provide to the Registrar evidence of the result of any such examination or assessment.”.

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