

## EXPLANATORY MEMORANDUM TO

### THE GENERAL PHARMACEUTICAL COUNCIL (CORONAVIRUS) (AMENDMENT) RULES ORDER OF COUNCIL 2021

2021 No. 26

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

#### 2. Purpose of the instrument

- 2.1 The Order contains amendments to the General Pharmaceutical Council (GPhC) Rules. The amendments ensure that the GPhC's processes can continue during the period of the COVID-19 pandemic. These include temporary and permanent rules changes.
- 2.2 Specifically, this order is made under the Pharmacy Order 2010/231 amending the rules contained in the General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order 2010/1615, the General Pharmaceutical (Appeals Committee Rules) 2010/1614, the General Pharmaceutical (Registration Rules) 2010/1617, and the General Pharmaceutical Council (Statutory Committees and their Advisers Rules) 2010/1616.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 This Order will come into force within 49 days of being laid before Parliament.

##### *Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

#### 4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the United Kingdom.
- 4.2 The territorial application of this instrument is the United Kingdom.

#### 5. European Convention on Human Rights

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

## **6. Legislative Context**

- 6.1 This instrument is being made in accordance with the GPhC's powers, as set out in the Pharmacy Order 2010, to make rules in accordance with its core regulatory functions. Further detail as to the various enabling provisions used is set out below.

## **7. Policy background**

### *What is being done and why?*

- 7.1 This instrument is being made in order to allow the GPhC to temporarily adapt its current operating procedures to respond to the COVID-19 emergency. It will also bring in permanent rules changes on how the GPhC can issue hearing notices to registrants.
- 7.2 The instrument will temporarily allow the GPhC to amend its rules so that its Investigating, Appeals and Fitness to Practise (FtP) Committees will be quorate with fewer committee panel members due to member illness or external workforce pressures. Appeals and FtP hearings and meetings will be able to be held via audio or video conference facilities and committees will be able to order that virtual meetings and hearings do not have to be held in public. A notice of a FtP hearing (including an interim order notice) will now inform the registrant of his/her right to take part in the hearing remotely as opposed to attending in person. In addition, where a registrant is neither present at the FtP hearing or takes part remotely, and the Committee is satisfied service has been properly effected; the Committee may proceed to consider and determine the matter or allegation.
- 7.3 The instrument will also bring in permanent rules changes. These changes will amend the General Pharmaceutical (Registration Rules) 2010, the General Pharmaceutical (Appeals Committee Rules) 2010 and the General Pharmaceutical (Fitness to Practise and Disqualification etc. Rules) Order 2010. Currently the service of documents to registrants by the GPhC, under these rules, should be by postal service or another delivery service, including, with the agreement of the person concerned, by electronic mail, to an electronic mail address notified to the regulator as an address for communications. The rules changes will allow for the service by electronic mail, to an electronic mail address notified to the regulator, without needing further additional agreement to such a mode of service.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 The GPhC will inform its registrants of the rules changes.

## **10. Consultation outcome**

- 10.1 The GPhC ran a stakeholder consultation between 29 May 2020 to 9 June 2020 on its proposed temporary rules changes. The responses to the consultation were broadly supportive of the proposed temporary rules changes.

## **11. Guidance**

- 11.1 The GPhC will publish guidance on the types of cases where it may use these powers and on how the temporary powers will work in practice.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because the SI relates to measures to maintain the GPhC's regulatory operations.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is that the GPhC will keep the temporary rules under review.

## **15. Contact**

- 15.1 Kathryn Flynn at the Department of Health and Social Care Telephone: 0113 2545967 or email: [Kathryn.Flynn@dhsc.gov.uk](mailto:Kathryn.Flynn@dhsc.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Mark Bennett at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister of State (Minister for Care) at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.