

SCHEDULE 1

Amendments relating to indemnity arrangements

PART 8

Amendments to the Pharmacy Order 2010 and related matters

Amendment of article 32

35. For article 32 (indemnity arrangements), substitute—

“Indemnity arrangements

32.—(1) A registrant who practises as a pharmacist or pharmacy technician must have in force an indemnity arrangement which provides appropriate cover in relation to that registrant in respect of liabilities which may be incurred in practising as such.

(2) For the purposes of this article, an “indemnity arrangement” may comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
- (c) a combination of the two.

(3) For the purposes of this article, “appropriate cover”, in relation to practice as a pharmacist or pharmacy technician, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

(4) The Council may make rules in connection with the information to be provided to the Registrar—

- (a) by or in respect of any person seeking to be entered in any part of the Register as a pharmacist or pharmacy technician (including an application for restoration) for the purposes of determining whether if that person is so entered, there will be in force in relation to that person by the time that person begins to practise an indemnity arrangement which provides appropriate cover; and
- (b) by or in respect of a registrant for the purposes of determining whether, at any time, there is in force an indemnity arrangement which provides appropriate cover in relation to that registrant.

(5) Rules under paragraph (4)(b) may require information to be provided—

- (a) at the request of the Registrar; or
- (b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual registrants or registrants of a particular description.

(6) The Council may also make rules requiring a registrant to inform the Registrar if there ceases to be in force in relation to that registrant an indemnity arrangement which provides appropriate cover.

(7) The Council may also make rules requiring a registrant to inform the Registrar if there is in force in relation to that registrant appropriate cover provided under an indemnity arrangement by an employer.

(8) Where there is a failure to comply with the rules under paragraph (4) by or in respect of a person who is entered, or who is seeking to be entered, in any part of the Register, the

Status: This is the original version (as it was originally made).

Registrar may refuse to enter the person in, or to restore the person's entry to, or to renew the person's entry for, that part of the Register.

(9) If a registrant is in breach of paragraph (1), or fails to comply with rules under paragraph (4)(b), (6) or (7), or there is a failure to comply with rules under paragraph (4)(b) in respect of a registrant—

- (a) the Registrar may remove that person's entry from Part 1 or 2 of the Register (as the case may be); or
- (b) the breach or failure may be treated as misconduct for the purposes of article 51(1)(a) and the Registrar must consider, in accordance with article 52(1), whether or not to refer the matter to the Investigating Committee or (where rules under article 52(1) so provide) to the Fitness to Practise Committee.

(10) Where the Registrar—

- (a) refuses to enter a person in any part of the Register, or to restore a person's entry to any part of the Register pursuant to paragraph (8); or
- (b) removes a person's entry from any part of the Register, pursuant to paragraph (9)(a),

the Registrar must send to the person at the person's last known address a statement in writing giving the person notice of the decision and the reasons for it and the right of appeal to the Appeals Committee under article 40.

(11) This article does not apply to a person who is registered by virtue of Schedule 2 (visiting pharmacists from relevant European States).”