

SCHEDULE 3

Article 3(3)

Amendments to the Pharmacists and Pharmacy Technicians Order 2007

Amendment of article 2

1. In article 2 (extent)—
 - (a) in paragraph (1), for “paragraphs (2) and” substitute “paragraph”; and
 - (b) omit paragraph (2).

Amendment of article 3

2. In article 3(1) (interpretation), after paragraph (2) insert the following paragraph—

“(3) For the purposes of articles 19A and 19B, “emergency” means an emergency of the type described in section 19(1)(a) of the Civil Contingencies Act 2004⁽²⁾ (meaning of “emergency”), read with subsection (2)(a) and (b) of that section.”

Amendment of article 4

3. In article 4 (the Society’s general duties)—
 - (a) in paragraph (2)(a)—
 - (i) in paragraph (i), for “registered pharmacists” substitute “registrants”,
 - (ii) at the end of paragraph (i) insert “and”, and
 - (iii) omit paragraph (ii) and the “and” at the end of that paragraph;
 - (b) in paragraph (2)(b), omit the “and” at the end of paragraph (iii) and for paragraph (iv) substitute the following paragraphs—
 - “(iv) the regulation of health services, and
 - (v) the provision, supervision or management of health services.”; and
 - (c) in paragraph (3)(b), after “England” insert “, Scotland”.

Amendment of article 6

4. In article 6 (the Council’s duties in respect of publications)—
 - (a) for paragraph (1) substitute the following paragraphs—
 - “(1) The Council shall publish, by such date in each year as the Privy Council shall specify—
 - (a) a report on the exercise of the Society’s functions which includes a description of the arrangements that the Society has put in place to ensure that it adheres to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006 (equality and diversity)); and
 - (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the Society has put in place to protect members of the public from registrants whose fitness to practise is impaired, together with the Council’s observations on the report.

(1) Amended by S.I. 2007/3101.
(2) 2004 c.36.

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- (1A) The Council shall submit copies of the reports published under paragraph (1) to the Privy Council and the Privy Council shall lay copies of the reports before each House of Parliament and before the Scottish Parliament.”;
- (b) for paragraph (3), substitute the following paragraph—
- “(3) Those annual accounts shall be audited by auditors appointed by the Council, and the Council shall ensure the persons it appoints are eligible for appointment as statutory auditors under Part 42 of the Companies Act 2006 (statutory auditors).”; and
- (c) in paragraph (4), after “House of Parliament” insert “and the Scottish Parliament”.

Amendment of article 7

5. In article 7 (the statutory committees), in paragraph (5)(d), after “established under the Charter” insert “or a group established for the purposes of paragraph (2)(b) in accordance with rules under this article”.

New articles 19A and 19B

6. After article 19, insert the following articles—

“Temporary registration with regard to emergencies involving loss of human life or human illness etc.

19A.—(1) If the Secretary of State advises the Registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this article, the Registrar may register under this article—

- (a) a person in Part 1 of the Register of Pharmacists, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered in Part 1 of the Register of Pharmacists with regard to the emergency; or
- (b) the persons comprising a specified group of persons in Part 1 of the Register of Pharmacists, if the Registrar considers that the group is comprised of persons who may reasonably be considered fit, proper and suitably experienced persons to be registered in Part 1 of the Register of Pharmacists with regard to the emergency.

(2) The Registrar may register under this article by virtue of paragraph (1)(b) all of the persons comprising a specified group of persons without first identifying each person in the group.

(3) The registration of a person under this article is subject to such conditions as the Registrar may specify, and the Registrar may at any time vary the conditions to which a person’s registration under this article is subject (including by adding to the conditions or revoking any conditions).

(4) The registration of any person registered under this article by virtue of paragraph (1) (b) as one of a specified group may be subject to the same conditions as the registration of other members of the group, or it may be subject to different conditions.

(5) A person’s registration under this article shall cease to have effect if revoked by the Registrar, which—

- (a) the Registrar must do if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to advise the Registrar as mentioned in paragraph (1) no longer exist;

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- (b) the Registrar may do for any other reason at any time, including where the Registrar has grounds for suspecting that the person's fitness to practise may be impaired.
- (6) The registration of a person registered under this article by virtue of paragraph (1)(b) as one of a specified group may be revoked without revoking the registration of the other members of the group, or it may be revoked by virtue of a decision to revoke the registration of all the members of the group.
- (7) Articles 11 to 18, 35, 38 and 39, and Part 5 apart from articles 45 to 47, shall not apply to persons registered under this article (in their capacity as such).
- (8) If a person who is registered under this article is already registered in Part 2 of the Register of Pharmacists, that person shall—
 - (a) while that person is registered under this article, be considered as solely registered in Part 1 of that register; and
 - (b) once that person ceases to be registered under this article, be considered as registered in Part 2 of that register.
- (9) Notwithstanding article 19—
 - (a) a person who is registered under this article is not a member of the Society, unless immediately prior to registration under this article that person was registered in Part 2 of the Register of Pharmacists;
 - (b) where a person is considered as registered in Part 2 of the Register of Pharmacists by virtue of paragraph (8)(b), that person does not cease to be a member of the Society when that person's registration under this article ceases.
- (10) If a person breaches any condition to which the person's registration under this article is subject, anything done by that person in breach of that condition is to be treated as not being done by a pharmacist registered in Part 1 of the Register of Pharmacists.
- (11) The Registrar may make available information to assist with the identification of persons registered under this article in such manner as the Registrar sees fit.

Temporary annotations with regard to emergencies involving loss of human life or human illness etc.

- 19B.—**(1) If the Secretary of State advises the Registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this article, the Registrar may annotate—
- (a) the entry of a registrant in Part 1 of the Register of Pharmacists to indicate that the registrant is qualified to order drugs, medicines and appliances in a specified capacity, notwithstanding that the registrant is not so qualified, if the Registrar considers that the registrant is a fit, proper and suitably experienced person to order drugs, medicines and appliances in that capacity with regard to the emergency; or
 - (b) the entries of a specified group of registrants in Part 1 of the Register of Pharmacists to indicate that they are qualified to order drugs, medicines and appliances in a specified capacity, notwithstanding that they are not so qualified, if the Registrar considers that the group is comprised of registrants who are of a type who may reasonably be considered fit, proper and suitably experienced persons to order drugs, medicines and appliances in that capacity with regard to the emergency.

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(2) The Registrar may make the annotation in such a way so as to distinguish registrants whose entry is annotated by virtue of paragraph (1) from registrants in respect of whom the annotation is made otherwise than by virtue of paragraph (1).

(3) Annotations made by virtue of paragraph (1)—

(a) must be removed by the Registrar if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to advise the Registrar as mentioned in paragraph (1) no longer exist;

(b) may be removed by the Registrar at any time, including where the Registrar has grounds for suspecting that the person’s fitness to order drugs, medicines or appliances may be impaired.

(4) A registrant whose entry in Part 1 of the Register of Pharmacists is annotated by virtue of paragraph (1)(b) as one of a specified group may have that annotation removed without the Registrar removing the equivalent annotations of the other members of the group or by virtue of a decision to remove the annotations made by virtue of paragraph (1)(b) of all the members of the group.”

Amendment of article 22

7. In article 22 (entitlement to registration in the Register of Pharmacy Technicians), in paragraph (2), for “England, Wales” substitute “Great Britain”.

Amendment of article 23

8. In article 23 (preregistration requirements for pharmacy technicians in respect of qualifications and additional education, training or experience), in paragraph (1)—

(a) in sub-paragraph (a), for “England or Wales” substitute “Great Britain”; and

(b) in sub-paragraph (c), for “England or Wales” (in both places) substitute “Great Britain”.

Amendment of article 24

9. In article 24 (general functions of the Society in respect of pharmacy technicians’ and prospective pharmacy technicians’ education, training and the acquisition of experience), in paragraph (b), for “England and Wales,” substitute “Great Britain,”.

Amendment of article 25

10. In article 25 (specific obligations of the Society in respect of pharmacy technicians’ and prospective pharmacy technicians’ education, training and the acquisition of experience), in paragraph (a), for “England and Wales” substitute “Great Britain”.

Amendment of article 30

11. In article 30 (the Society’s registers)—

(a) in paragraph (3)—

(i) omit “and” at the end of sub-paragraph (d)(ii),

(ii) insert “and” at the end of sub-paragraph (e), and

(iii) after sub-paragraph (e) insert the following sub-paragraph—

“(f) a note so as to distinguish annotations made under article 19B from other annotations of entries of registered pharmacists who are qualified to order drugs, medicines and appliances in a specified capacity.”; and

(b) after paragraph (5) insert the following paragraph—

“(6) Notwithstanding any other provision of this Order, the Registrar is not under an obligation to make an entry in the Register of Pharmacists in respect of any person registered by virtue of article 19A(1)(b) until the Registrar has been able to ascertain the person’s name.”

Amendment of article 32

12. In article 32 (certificates of registration), in paragraph (1) after “registrant”, where it first appears, insert “(other than one registered under article 19A)”.

Amendment of article 34

13. In article 34 (corrections of the register), in paragraph (2), for “pharmacist or a pharmacy technician” substitute “person whom the Registrar General believes to be a registrant”.

Amendment of article 40

14. In article 40(3) (fees in connection with registration), in paragraph (1A), after “the Society’s registers” insert “, registration under article 19A or annotations under article 19B”.

Amendment of article 42

15. In article 42 (appealable registration decisions), in paragraph (1)(o), for “England and Wales” substitute “Great Britain”.

Amendment of article 44

- 16.** In article 44 (appeals from the Registration Appeals Committee), in paragraph (2)—
- (a) in sub-paragraph (a), for “England or Wales” substitute “Great Britain”; and
 - (b) in sub-paragraph (b), omit “and” at the end of paragraph (i) and omit paragraph (ii).

Amendment of article 46

- 17.** In article 46 (disclosure of information: general)—
- (a) for paragraph (1) substitute the following paragraph—

“(1) For the purpose of assisting the Society (including its Council, its staff and its committees) in carrying out any of their functions in respect of a registrant’s fitness to practise, or for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of article 19A(1)(b), a person authorised by the Society may require—

 - (a) any registrant (except the registrant in respect of whom the information or document is sought); or
 - (b) any other person,

who in the opinion of the person authorised by the Society is able to supply information or produce any document which appears to be relevant to the discharge of any such function, to supply such information or produce such a document.”; and
 - (b) in paragraph (5)(b), omit paragraph (i) and the “and” at the end of that paragraph.

(3) A relevant amendment has been made by [S.I. 2007/3101](#).

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Amendment of article 48

18. In article 48 (impairment of fitness to practise), in paragraph (1), omit “or” at the end of sub-paragraph (j) and after sub-paragraph (k) insert—

- “(l) the Independent Barring Board including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or
- (m) the Scottish Ministers including the person in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007).”

Amendment of article 49

19. In article 49 (initial action in respect of allegations)—

(a) after paragraph (1) insert the following paragraph—

“(1A) Rules under paragraph (1) may provide for an allegation not to be referred where it is of a type that the Council has stated in threshold criteria, which it has published and which it may amend from time to time, should not be referred.”;

(b) in paragraph (3)—

- (i) in sub-paragraph (c), omit “if the registrant is a registered pharmacist,” and
- (ii) insert “and” at the end of sub-paragraph (b), omit “and” at the end of sub-paragraph (c) and omit sub-paragraph (d); and

(c) in paragraph (5)(b), omit “a registered pharmacist”.

Amendment of article 53

20. In article 53 (professional performance assessments), in paragraph (7), for sub-paragraphs (a) and (b) substitute the following sub-paragraphs—

- “(a) the county court (the central London county court in the case of a registrant who is not domiciled in Great Britain); or
- (b) if the records are being sought in relation to a registrant who is domiciled in Scotland, the sheriff in whose sheriffdom that registrant is domiciled.”.

Amendment of article 54

21. In article 54 (interim orders), in paragraph (12)(a), for “registered pharmacist” substitute “registrant”.

Amendment of article 56

22. In article 56 (appeals against appealable fitness to practise decisions), in paragraph (3)(b), omit “as regards an application relating to registration in the Register of Pharmacists.”.

Amendment of article 58

23. In article 58 (interim measures pending a direction taking effect), in paragraph (5)(a), for “registered pharmacist” substitute “registrant”.

Amendment of article 66

24. In article 66 (rules), in paragraph (3)—

- (a) for “Part 6 of this Order” substitute “article 59”; and

- (b) in sub-paragraph (c), omit “unless the rules relate exclusively to proceedings with regard to pharmacy technicians,”.

Amendment of article 69

25. In article 69 (Privy Council procedures etc.)—

- (a) after paragraph (1) insert the following paragraphs—

“(1A) Subject to paragraph (1B), any power of the Privy Council to make an order under this Order, apart from an order approving byelaws which are made under paragraph 4(1) of Schedule 2 or an order approving rules which are made under article 7 (or article 7 together with article 66(1)), shall be exercisable by statutory instrument.

(1B) An order of the Privy Council approving rules which are made under article 7 (or article 7 together with article 66(1)) shall be made by statutory instrument if—

- (a) it approves rules that amend rules that were approved by an order made by statutory instrument; or
- (b) it also approves rules that are not made under article 7 (or article 7 together with article 66(1)).”;

- (b) in paragraph (2)—

- (i) for the words from “Any power” to “except for” substitute “A statutory instrument that contains an order made by the Privy Council other than an order made solely under article 68(2) or”,

- (ii) for sub-paragraph (a) substitute the following sub-paragraph—

“(a) approving rules made under article 7 (or article 7 together with article 66(1)); or”,

- (iii) omit “an order of the Privy Council under this Order”, and

- (iv) after “House of Parliament” insert “or, if the order approves rules that include measures relating to the regulation of pharmacy technicians, a resolution of either House of Parliament or of the Scottish Parliament”;

- (c) in paragraph (3)—

- (i) before “16,” insert “7,” and

- (ii) after “House of Parliament” insert “or (if the rules include measures relating to the regulation of pharmacy technicians) a resolution of either House of Parliament or of the Scottish Parliament”; and

- (d) for paragraph (4) substitute the following paragraph—

“(4) For the purposes of section 1 of the Statutory Instruments Act 1946 (definition of “Statutory Instrument”), any power to which paragraph (1A) or (1B) applies is to be taken to be conferred by an Act of Parliament.”

Amendment of Schedule 2

26. In Schedule 2 (transitional provisions)—

- (a) in paragraph 1(1) (which relates to interpretation of Schedule 2), in the definition of “appointed day”, for “Part 3”, in both places, substitute “Part 2”; and

- (b) in paragraph 6 (transitional arrangements in respect of persons practising as pharmacy technicians before the statutory register is opened), in sub-paragraph (2)(b), for “England and Wales” substitute “Great Britain”.

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